

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**Department of Agriculture  
Market and Warren Streets  
1<sup>st</sup> Floor Auditorium  
Trenton, NJ 08625**

**REGULAR MEETING**

**September 24, 2015**

Chairman Fisher called the meeting to order at 9:07 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

**Members Present**

Douglas H. Fisher, Chairman  
James Requa (rep. DCA Commissioner Richman)  
Cecile Murphy (rep. DEP Commissioner Martin)  
Ralph Siegel (rep. Acting State Treasurer Romano)  
Alan Danser, Vice Chairman  
Peter Johnson  
James Waltman  
Jane Brodhecker

**Members Absent**

Brian Schilling (rep. Executive Dean Goodman)  
Denis C. Germano, Esq.

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Susan E. Payne, Executive Director  
Jason Stypinski, Deputy Attorney General

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**Others present as recorded on the attendance sheet:** Heidi Winzinger, Stefanie Miller, Paul Burns, Dan Knox, Jeffrey Everett, Hope Gruzlovic, Brian Smith, Esq., David Kimmel, Charles Roohr, Alison Reynolds, Esq., Pat O'Connell, Matthew DiStaulo, Hector Weah, Steven Bruder, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit;

Daniel Pace, Mercer County Agriculture Development Board; Brian Wilson, Burlington County Agriculture Development Board; Tom Beaver, New Jersey Farm Bureau; Donna Rue, Rue Brothers Farm, Warren County; Bridgitte Sherman, Cape May County Agriculture Development Board; Amy Hansen, New Jersey Conservation Foundation; and Andy Rowan, Jay Rajamohan and Ed Farrell, N.J. Office of Information Technology, Mercer County.

### **Minutes**

#### **A. SADC Regular Meeting of August 27, 2015 (Open and Closed Sessions)**

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve the Open Session and Closed Session minutes of the SADC regular meeting of August 27, 2015. The motion was approved. (Mr. Danser abstained from the vote.)

### **REPORT OF THE CHAIRPERSON**

Secretary Fisher deferred comments due to the length of today's meeting.

### **REPORT OF THE EXECUTIVE DIRECTOR**

Ms. Payne made the following comments:

1. Pilot Program for Special Occasion Events on Preserved Farmland

Ms. Payne stated that at the last SADC meeting the SADC adopted some amendments to its Pilot Program dealing with the preserved farm wineries law. That has been conveyed to all of the municipalities, CADBs and all of the wineries individually, so that everyone understands what changes have been made. Staff indicated to the wineries that the SADC is seeking their registration/certification submissions by October 15<sup>th</sup> and then it would be March 31<sup>st</sup> for every year after that. Staff will keep the Committee informed as that timeframe comes and goes and we see what type of compliance it looks like.

### **COMMUNICATIONS**

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.



## **PUBLIC COMMENT**

None

## **OLD BUSINESS**

### **A. Stewardship**

1. Division of the Premises  
Gibbs Farm, Allamuchy Township, Warren County

Mr. Roohr referred the Committee to the memorandum to members dated September 24<sup>th</sup> involving the Keith and Maryann Gibbs farm in Allamuchy Township, Warren County, comprising Blocks 304, 401 and 501, Lots 8, 3 and 4. This was before the Committee at its July meeting for a request for a division of the premises. The property consists of three lots, each separated by a road. It was preserved as a Direct Easement application to the SADC in 1999 by the former owners, Frank and Joan Gibbs. In April of this year the owners transferred title to Block 401, Lot 3 to Lavanta Stables, LLC. Mark Willekes is the principal owner of Lavanta Stables, LLC. The transfer was done without the approval of the SADC for a division of the premises.

Mr. Roohr stated that the property in question is about a 52-acre piece. The Gibbs did not realize they had to have approval by the SADC prior to the transfer. The request is to divide off this 52-acre piece from the remaining roughly 200 acres. At the July meeting staff had some reservations, primarily having to do with the soil quality and the amount of tillable acres. On the 52-acre farm, there are about 25 acres that are tillable, of which about 5 ½ acres are prime soils and the rest are unrated soils so they are not statewide soils or locally important soils. It is a poorer quality soil that is a pretty rocky area with a fairly high depth to seasonal high water table. Sometimes it is zero. Mr. Roohr stated that in previous years the property has been in corn and grain crops. It has been used and has been productive; it is just from a soils rating standard it is not so great soils.

Mr. Roohr stated that at the July meeting the Committee raised a few questions. One was that in North Jersey the soils, in Sussex and Warren Counties in particular, can be not so great, so maybe this is what a common farm is like in Warren County. For that, staff did a comparison of the soils, which has been provided to the Committee in the memorandum. Warren County farms are lands that are in agricultural production. About 46 percent of those are prime soils, 17 percent are statewide important soils and 2 percent are local soils. In Allamuchy Township, it is a little less, about 32 percent prime and 7 percent

statewide important. For the 52-acre piece it would be 12 percent prime and nothing else. It would get a lesser soil comparison when you compare it to either the county or the township as a whole. There is a rock outcrop on a portion of the property and Mr. Willekes' engineer's report showed the facilities, which would be an equine stable, indoor arena and a couple of smaller equipment and hay buildings, being in the rock outcrop area. The Committee was fine with that. Staff looked at everything and asked if there was a revised engineering plan that would include some stormwater management. Their engineer is not 100 percent convinced that they would need it but, based on staff's analysis of the property with how much infrastructure it is going to have, in the Highlands, we are fairly confident that they would need a stormwater basin. When staff received the revised drawing back it showed where that would go. Mr. Roohr showed the Committee on the mapping presented where the facilities would go (stable, parking, indoor arena, smaller barns, the retention basin, the septic field and outdoor riding arena). Those things, if you tally them all up, they total just about an acre but what happens is that the one acre is prime soil so it is of the 5.7 acres of prime soil and a bit is going to be taken up with some of these things. It is a consideration and one of the things that the Committee asked staff to look at. Mr. Roohr stated that there is a portion of the property that is wet woodlands so they wouldn't be able to put the infrastructure in that area.

Mr. Roohr stated that the other thing the Committee had briefly mentioned was how this division would shape up against other divisions. Certainly the SADC has approved smaller pieces of land in South Jersey, in Vineland in particular. We have done 14-acre pieces there and they have been 100 percent prime, 100 percent tillable, so it is a somewhat different scenario. But if we did the comparison of similar-sized farms in that up to 25-30 acres range and did the soils score, this one scores 1.6, which is lower than the five that we have not previously approved in the past few years. All those things added up, the project that Mr. Willekes proposes, which is an equine operation, it certainly appears that it would add more intensity to this operation. He does also intend to build his home on this 5-acre exception area. Chairman Fisher asked if there was a breeding facility. Mr. Roohr stated that Mr. Willekes would be starting it from scratch but they would intend to do breeding and raising and training of European horses. They want to import them, teach them the "American way" of dressage and things like that.

Mr. Willekes addressed the Committee. He stated that as he mentioned at the July meeting, their intention is to import younger horses from Europe, bring them up to the horse shows and get them into the American style and then to sell them, as well as the breeding of young horses, bringing them up and selling those as well. He stated that Mr. Gibbs is present today and can attest that in the past few years his corn yield has been higher than the state average per acre and he has had a number of other crops over the



many years that the properties have been in his family. Mr. Willekes stated that the one image presented to the Committee that showed where his structures would be, they would very easily be able to move this outdoor arena to another location if that would help and it gets it out of the prime soil area. Basically the other structures are placed on the most useless part of the land and that is why they are choosing to erect the structures there. Mr. Willekes stated that the riding arena can go anywhere. They can move it out of the prime soil area. The retention ponds from the gravity perspective, that is where the engineers have indicated would be the most practical location, as shown in the engineer's report. They have to stay away from any buffer zones, wetlands and as already indicated the septic would be in the most practical location. The square in the rear of the map, that would be the outdoor riding arena and that can be easily moved to another location. Basically, what they were looking for at the July meeting was to get somewhat of a conditional approval subject to having to build where the plans say or we can email over the next week or so showing that the outdoor arena can go in a separate location, if that is what the Committee would want. Chairman Fisher stated that you're saying you are willing to make the accommodations adjusting to the prime soils. Mr. Willekes stated absolutely, especially for the outdoor rink. The structures that are going to be erected, he thinks the rock outcrop area is the best place from the property perspective. It is not the most economical from his perspective but they can easily move the outdoor rink. Mr. Siegel asked if they could move the riding rink into the exception area. Mr. Willekes stated that to put that into perspective, this exception area is about 65 to 80 feet above so that is how much rock is there. In response to a question, Mr. Roohr stated that the property is in the Highlands Planning Area.

Mr. Clapp stated that portion of the Highlands is nonconforming so they are not subject to the Highlands agricultural rules. Mr. Danser stated that this is more of a question for our Deputy Attorney General – if this is just a request for a division of the premises, can we put those sort of conditions on an approval for that? Can we create another lot or not and once it is done he doesn't know how we would control where any of these improvements are located. Mr. Stypinski stated that he guesses you can give conditional approval in the resolution. If that is what you want to do, to grant conditional approval subject to these conditions. He doesn't think that would be a problem but it is still going to need to meet the agricultural viability and agricultural purpose tests. Mr. Danser stated he understands that but he is just trying to figure once the deed is created and you have a new property owner, how we would enforce any of that if they just built something somewhere else instead. Mr. Stypinski stated that he thinks you would have to give conditional approval or conditional after the fact in this case.

Ms. Payne stated that we record our division of the premises resolutions so that they are

in title so that when any subsequent purchaser comes along, our resolution and the conditions are in the record of title.

Mr. Waltman stated that he is always interested in this Committee acting in a consistent way so he asked Mr. Roohr to explain how this compares to situations where we actually denied a request for subdivision. Ms. Payne indicated that there is a paragraph in the memorandum that provides prior divisions information. Mr. Roohr stated that there are six properties that the SADC denied requests for in the past five or six years. They were chosen because they were in the rough ballpark of the size of this property. As far as quality of soils goes, this one ranks lower than five of the six. The reason for denying at least four of the properties was the limited amount of tillable soils in those cases, making viability an issue. Chairman Fisher asked if any of those properties were equine. Mr. Roohr stated yes, the Simpson farm was equine and is equine today. Mr. Waltman stated that there is also an equity issue in terms of, we have limited resources to spend to preserve farms and all else being equal he thinks this is borne out in the formulas used. A larger farm is scoring better than a smaller farm. If someone walked into the program and it was subdivided and not preserved yet and the owner came to us saying they want to preserve this piece, what would the response from the program be? Ms. Payne stated that we really cannot answer that question. Mr. Danser stated it wouldn't be out of the question because it would have preservation on part of the border and the thing that would really knock it would be soils. The rest of the scores would be in the ballpark. He doesn't know what the competing ones would be but we cannot say that it would absolutely not be considered. It would be considered and ranked along with whatever was competing with it at the time.

Ms. Murphy stated that following up on what Mr. Waltman was saying, she also is very concerned about consistency. It is very important that we do not seem capricious in our decisions. To approve a subdivision that scores lower than four or five of the ones we have rejected, she thinks we would need a very good reason to be able to document why we were doing that. Otherwise we would be perceived as capricious. She didn't think that was something we would want to do, even from a reputation standpoint and a government standpoint and also a legal standpoint. There were four or five people who had their requests rejected and then they find out that we approved one that had a worse profile than theirs. She didn't think that would be in the best interest of this Committee.

Mr. Siegel asked the landowners how this transaction occurred. Mr. Willekes stated that basically it was the fault of the title company and the attorneys involved in the real estate transaction. Obviously they didn't go through all the documents. He stated that this was his first agricultural purchase. Mr. Gibbs stated that there was supposed to be three



separate lots. His father had preserved the farm. Mr. Gibbs stated that after some time he decided that they would sell this one lot and that was how they went about doing it. Mr. Siegel asked that it was Mr. Gibbs' perception that because they were three separate lots they could be transacted as separate tax lots. Mr. Gibbs stated that was correct. That is how it was always explained when they did this. That is why they made the provision for the house lot up in the top corner so that they could do that down the road. Mr. Gibbs stated that in their area they have sold lots smaller than this one, right next door to them actually. It was a 38-acre lot and that was 18 acres of tillable soil and they covered it with a greenhouse and it was farmland preserved. He doesn't know why that could happen and .... Mr. Siegel stated that it wouldn't matter why something else happened somewhere else but when your family preserved this farm you were not allowed to divide the farm after you preserved it. Otherwise, it may not have been preserved to begin with. He stated that we cannot look into the past but in 1999 half of the farms didn't get preserved, they didn't get funded. There was only a certain amount of funding and it went so far and this farm got preserved. Had it been smaller, it may not have gotten preserved. Mr. Danser stated that this farm scored much higher because it was 200 acres total and that is what we are dealing with. When this farm was ranked against all the other farms it received a higher score because of the size so it was preserved as a unit. Mr. Gibbs stated that he understands what Mr. Danser is saying, he is just saying that the farm next door they took a chunk of that one the same way – a different tax and lot map so a section of a preserved farm, 200 and some acres and they took a 38-acre section or lot and it was different on the tax map and sold that separately. Mr. Roohr stated that the farm Mr. Gibbs is mentioning is also a Gibbs farm and strangely enough it was sold to someone by the name of Willekes. Mr. Roohr stated that there is no relation. That happened about five or six years ago when the family came in for a division of the premises. It was a dairy farm and they severed off approximately 30 acres. Because they are so close he wanted to see what the difference was, and that difference is that the soils are different on that property and it had a higher soils score. The potential contract buyer came in prior to purchasing it and did the division.

Chairman Fisher stated that this farm is being subdivided, it will produce more as an operation separately than it will continuously if it doesn't have all the operations that are being planned. It would be grain but now it is going to be an equine facility that will breed and bring in high-level agricultural output, a much more intense operation. Mr. Siegel stated that when you talk about agricultural viability we are talking about what the easement requires – that the farm be available for agriculture, the land be available for agriculture, that is the agricultural viability test. But here we have a much higher intensity use and frankly the soils that are not good up there are good soils for equine. If we are going to put equine operations they should be on lower yield soils. Mr. Siegel asked

whether there is an agricultural purpose test that is met here in any way with this division. Mr. Roohr stated that he thinks the purpose test we don't have an issue with. It will certainly have a more intense use being in equine rather than field crops. The agricultural viability test, traditionally staff has rated those based on tillable acres, soils and total use of the property and various uses of the property. Mr. Willekes stated that as it stands right now the property yields more per acre than the state average already.

Ms. Brodhecker stated that they deal with these types of soils all the time up in her area. The farmer knows how to compensate to get the product out of the soils up there. On the chart in the binders, it is hard to pinpoint what we are comparing with these other properties that we denied and with the property we are talking about today because they are so different, but she sees that three of those listed say lack of evidence to support agricultural viability so she thinks they are giving the Committee here a good argument that there would be viability and more production on this area as a piece the way they are planning to do it. She thinks the Committee needs to consider some other factors beyond what we have measured on a chart. Mr. Siegel stated that if you are looking at viability of agriculture, not only are we dividing off a 50-acre piece with limited tillable and very limited state soils, they are also adding infrastructure, which is going to make this an equine operation forever, because no crop farmer is going to buy this with all that infrastructure on there once it is built. Ms. Brodhecker stated that a farmer isn't going to farm the rocks, where the infrastructure would be placed either. Mr. Siegel stated that it will make it more expensive.

Ms. Payne stated that she didn't think it was infrastructure, she thinks the question is if another farmer would buy it and try to put any other kind of agriculture on it besides equine or grain crop. Is 50 acres of soils of this quality capable of sustaining anything else, or anything that is a field-based operation? Ms. Murphy stated that is the question that we consistently asked in the past and we have to ask the same question in order to end up with consistent answers. Mr. Johnson asked if this has ever happened before where someone did a division without SADC approval. Ms. Payne stated yes. If it meets the test of viability we approved it after the fact. We had an interesting case down in South Jersey a few years ago, where what they subdivided wasn't viable and we wound up fortunately being able to attach it to another preserved farm so that it remained a piece of what was considered a viable farm unit. The after-the-fact nature of this to us is not the driver in the decision. It is unfortunate because it means there is a larger investment risk on their end but it is really about the merits of the subdivision. Forget for a minute whether it already happened. Would the Committee approve the subdivision, and that is where staff is.



Chairman Fisher asked if there would be a motion to approve staff's recommendation. Mr. Siegel asked that Mr. Roohr explain again, we have a two prong test – viability and purpose. The intensity of use, the investment, use of equine on a mediocre soil property would seem to be a good use for those soils. That all goes to the agricultural purpose test. Mr. Roohr stated yes. Staff has no issue with the agricultural purpose test. Mr. Siegel stated that agricultural viability is the question that essentially we have all been talking about. Will this be an agriculturally viable farm for other purposes, other than what it is going to be used for here, forever? Mr. Roohr stated correct, from a staff perspective, just strictly based on prime, statewide soils and tillable acres. Mr. Siegel asked if there was any way that the mapping is wrong. Mr. Roohr stated that the only way to absolutely confirm that is to have soil testing done. However, SADC soil conservationist David Clapp visited the property and could talk to the Committee regarding his observations. Mr. Clapp stated that in his estimation the mapping is consistent for the areas. If you noticed on the mapping that the Committee was reviewing today there are quite a few linear features running through that. There are ditches that run through there about a foot deep and a foot to two feet wide. They are drainage ditches so that the water in the soil surface in the roughly 50-100 feet in between them is affected by the drainage ditch. The water in that soil surface as it rises out of the ground gets into the ditch and does down to that wetlands. So that is consistent with the soil that has those characteristics. Because it is ditched it seems to meet those characteristics.

Chairman Fisher asked again if there was anyone who wanted to make a motion. Mr. Waltman asked what the status quo was if we do nothing today. Ms. Payne stated that if the Committee doesn't approve this subdivision, then it becomes an illegal subdivision on a preserved farm and that is a problem for the landowner. Mr. Siegel stated that staff's recommendation is to actively disapprove this application. Ms. Payne stated that staff finds that if the SADC approves this she thinks it would be very inconsistent with its past practice. Mr. Siegel stated that legally you are looking for a motion to adopt staff's recommendation. Chairman Fisher stated that he sometimes cringes when we think we are getting trapped by considerations that have gone over a period of 20 years. Things evolve and he has no sympathy for a bad transaction because if it turns out that a title company didn't do what it was supposed to do he couldn't care less about the consequences for the title company or anyone who doesn't do their due diligence. But that is separate. This is not trying to fix something. This is a transaction that did take place because, in his understanding, the owner thought it was appropriate and didn't know, the title company did or didn't do their job and now we have this operation that wants to be an operation of a higher value and everyone talks about consistency but there are a lot of nuances in every one of the decisions that we make. Mr. Danser stated, no, the conundrum is that we support intensity and higher value use and all those things and that

is what this would do but we also want to maintain a broad-based agricultural viability for the future and however you specialize and invest in agriculture, whether it is an equine barn or a greenhouse or anything, you make it less buyable on a broad-based situation because you increase the cost of the property and someone isn't going to be able to buy it for corn, soybeans or hay. That doesn't lead him to a recommendation one way or the other. It is a hard decision. Those two goals of ours are somewhat at odds. Mr. Siegel stated that the point of the precedent is not empty because Mr. Roohr lists for us these other properties where a division was not approved and the message to them was we should have just gone ahead and done the division, pretending that we didn't know it needed approval because look what the SADC just did, they approved it after the fact. They didn't ask for approval before the transaction. These people were coming in asking for approval, we said no, and now they can look at our decision today if we were to approve this and say, "oh well, that is what we should have done." Ms. Payne stated that the most dangerous thing the Committee could do is approve this because it already happened. That is just an advertisement to just go do what you want and we are stuck with it.

Mr. Siegel asked how does that not be the message. Mr. Danser stated that the only reason that this is being considered, he thinks, is because it is a more intense and therefore a higher value use for that 52 acres if it is converted from a hay field into an equine facility that is doing breeding and training. Chairman Fisher stated 25 tillable, 50 acres, no one is going to make a living that way, is that what you are saying, on just 25 acres of grain. But they will as an equine operation be able to consistently make a living or carry itself. Mr. Willekes stated or for any livestock operation for that matter.

Mr. Siegel stated another thing that he doesn't like about this is the 5-acre exception. This is Warren County, this isn't Morris County. The big risk is the big mansion and this is a 50-acre estate property and that is the reason for the subdivision. We have no way of preventing that from happening now or in the future.

Chairman Fisher stated that if there is no motion it is essentially that they have an illegal transaction. If there is a motion it would be for the purpose of the higher viability for the agricultural viability test for income as a property and for that he would need a motion. Mr. Danser asked if there is a limit for the house size on the exception area at this point. Ms. Payne said no. Mr. Roohr stated that it was done so long ago things were not contemplated back at that time.

Mr. Danser stated that he would move just for the purposes of discussion that because of the higher and better use, increased intensity and the fact that it will increase the value of



the output of that 52 acres that we approve the division of the premises subject to the conditions of where the improvements are located as shown in the presentation and subject to the addition of our standard at this point for residential size limitations on the exception area. Mr. Requa seconded the motion.

Mr. Siegel asked if we can do that. Deputy Attorney General Stypinski stated that it is a condition, you are giving conditional approval, Mr. Siegel stated but on the exception area? Mr. Stypinski stated yes, and he is not sure about the exception area because it is not part of the farm. Mr. Danser stated it is part of the division of the premises application. Mr. Stypinski stated right. He asked if this was a severable or nonseverable exception. Mr. Roohr stated it was a nonseverable exception area. Mr. Stypinski stated that it is listed as part of the farm. Mr. Siegel stated it is the only nonseverable exception on the whole property. Ms. Payne stated that she wanted to clarify that there is no standing house size limitation for houses in our program today. Mr. Danser stated we have done it, 3,500 square feet. Ms. Payne stated on State acquisitions we have sometimes done that. Mercer County has adopted a 4,000 square foot limitation. However, there is not a standard house size limitation on exception areas.

Mr. Danser stated that he would say in his motion 4,000 square feet of heated area then.

Ms. Murphy stated that the resolution is addressing the agricultural purpose with increased intensity. Is the motion addressing the agricultural viability test? Mr. Danser stated that was for discussion. He goes back to what the options are. He doesn't feel the Committee should do nothing. He thinks that if the Committee thinks this is not the right thing to do we should have a motion and have a second, have a discussion and say no, we are not going to approve this division as opposed to just ignoring it and going on to the next item on the agenda.

Mr. Siegel stated to be clear, the staff recommendation is to vote no on this, correct? Mr. Roohr stated the staff recommendation is to not approve the division based on the agricultural viability test, the soils, and the tillable acres. The agricultural purpose is there but not the agricultural viability. Mr. Johnson asked are these all separate tax lots since before the preservation? Mr. Roohr stated yes, and they are all separated by roads. Mr. Waltman felt this would be a bad precedent and inconsistent with past actions. He felt that this should be denied. Having said that, if we deny it he would wish the person who purchased the property well in chasing after the title company and attorney. You can be sympathetic with the applicant here, which he certainly is, but it doesn't mean that we should necessarily support this. He feels that it would raise questions of being inconsistent. Mr. Siegel stated that like Ms. Payne said, the fact that the transaction

occurred cannot be a factor.

Chairman Fisher requested a roll call vote. He stated that if you vote “yes” you are voting for the motion that says for these reasons it can go forward. If you vote “no” you are denying them. Ms. Payne stated that is correct and that the conditions are that the improvements are located as depicted and discussed today and that there is a house size limitation on the exception area of 4,000 square feet of heated living space.

The roll call vote was taken as follows:

Cecile Murphy	No
James Requa	Yes
Brian Schilling	Absent
James Waltman	No
Denis Germano	Absent
Jane Brodhecker	Yes
Ralph Siegel	Abstain*
Alan Danser	No
Peter Johnson	Yes
Chairman Fisher	Yes

\* It is noted that Mr. Siegel had requested to pass on the vote until everyone else voted. He was advised by the Committee that he could not do that. Mr. Siegel then abstained.

Vote Tally: 3 No votes 4 Yes Votes 1 Abstention Vote 2 Absentees

The motion passed.

Mr. Siegel asked to explain the vote count again. He then requested to change his abstention to a “no” vote. Chairman Fisher indicated that he could not do that. Mr. Stypinski requested that the Committee go into Closed Session to seek attorney/client advice on the matter of Mr. Siegel’s request to change his vote.

**It was moved by Mr. Danser and seconded by Mr. Requa to enter into Closed Session at 9:57 a.m. The motion was unanimously approved.**

**The Committee returned to Open Session at 10:14 a.m.**

Chairman Fisher stated that there was a motion on the division of premises request on the Gibbs farm in Allamuchy Township, Warren County to approve the subdivision, subject to some conditions that were announced with that resolution. The motion was moved and seconded. After discussion there was a vote by way of a roll call. The motion passed by a tally of 4 “yes” votes, 3 “no” votes and one abstention, at which time the person who abstained asked to vote. The Committee then went into Closed Session to find out what that standing would be concerning someone who abstained on a vote that was announced with a final tally to come back in and vote. In Closed Session it was determined that it could not occur. As a result, the motion that was announced and passed before the Committee went into Closed Session stands. The only “however” is that until there is a resolution formally memorialized at the next meeting of the Committee – for which the vote has already been taken but it has to be memorialized in resolution form – that is when the action would be effective. It is not effective as of today but when it is drafted and memorialized as passed. He asked if anyone had any questions regarding the issue. There were no questions from the public. Chairman Fisher asked to move on to the next agenda item.

## **NEW BUSINESS**

### **A. Agricultural Mediation**

1. Certification of New Agricultural Mediator
  - a. Tara Kenyon

Mr. Kimmel referred the Committee to Resolution FY2016R9(1) for a request to include Tara Kenyon to be certified as an Agricultural Mediation Program mediator. Mr. Kimmel reviewed the specifics of the request with the Committee. Ms. Kenyon is currently the administrator for the Somerset County Agriculture Development Board (CADB) and if certified by the Committee, that certification would be conditioned upon Ms. Kenyon not participating in mediation cases involving Somerset County farms for as long as she is the administrator of the Somerset CADB. Staff recommendation is to certify Ms. Kenyon as an Agricultural Mediation Program mediator.

It was moved by Mr. Danser and seconded by Ms. Murphy to approve Resolution FY2016R9(1) certifying Tara Kenyon as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq. Ms. Kenyon shall not mediate cases involving Somerset County farms so long as she is the administrator of the Somerset CADB. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R9(1) is attached to and is a part of these minutes.)



**B. Presentation of “eFarm” Project – Overview and Status**

Ms. Winzinger stated that the eFarm project is a very exciting project that the SADC has been working on. Many years ago this project was created and it has been a long and bumpy road but we envisioned having some type of a system to help us improve all of the areas of business that the SADC does – planning, easement purchases, eight-year programs, soil and water conservation cost share and the Right to Farm Act, which includes site-specific agricultural management practices, agricultural mediation and all of those types of things. The Farm Link program was improved on its own so we won't be doing much in that area. Transfer of Development rights, stewardship and also post-preservation approvals, like the one the Committee just did, will be included. Ms. Winzinger stated that the new web-based system will allow all program partners involved with projects to more easily collaborate, communicate and access information, as well as manage projects more efficiently.

Ms. Winzinger stated that years ago the SADC studied other states and different programs to see what were they doing to get in the cloud, get paperless and get coordinated. Staff didn't find anything out there where they were not just using a database and GIS separately, and there weren't a lot of examples out there where the farmland preservation folks were dealing online with their customers and vendors. So during that process SADC staff met with staff from the New Jersey Office of Geographic Information (GIS) and the Office of Information Technology (OIT). Ms. Winzinger introduced Andrew Rowan who is the Chief GIS Officer, and Edward Farrell, who is the Project Manager. They informed SADC staff that the only way to get this off the ground was to hire the right consultant who knows GIS and knows databases. That person is Jay Rajamohan who is also present today. These folks are within the OIT. The Department of Agriculture and our IT office are coordinating with them because they manage our current database.

Ms. Winzinger and other SADC staff discussed features the new system will provide, including on-line applications; real-time updates on the status of projects and funding; one-stop access to a host of data layers, such as soils and Land Use Land Cover; a mapping tool to create and save maps online; automatic calculations of quality scores and exception area deductions; and the ability to access the database to generate various reports. The system will significantly reduce paper, postage and physical storage space requirements for the SADC and its partners; reduce application processing times; and eliminate redundant data entry and GIS mapping. Staff is continuing to develop and test the system with the assistance of volunteer partners, and expects the system to be



operational next summer.

Ms. Winzinger introduced Mr. Rowan and Mr. Farrell, along with Mr. Rajamohan who provided additional information on eFarms and the various phases of getting eFarms up and running.

Ms. Payne thanked Mr. Rowan, Mr. Farrell and Mr. Rajamohan for attending and presenting to the Committee. The technical expertise that they bring has been wonderful and they have been a pleasure to work with. Chairman Fisher stated that we have an incredible staff within the SADC and for them to be willing to take on a project of this magnitude is extraordinary. He thanked Ms. Payne in particular for helping the agency in doing that, along with Ms. Winzinger. Ms. Payne thanked Ms. Winzinger and stated that this has grown out of Ms. Winzinger's daily frustration with paper and inefficiency/documentation. We have a long program ahead of us and we cannot conduct business in 30 years as we do today. Ms. Winzinger has taken this project on and it has been an enormous effort on everyone's part.

**C. Updating Certified Market Value – In Cases of Pre-Acquisitions (Policy P-52)**

Ms. Winzinger stated that Gloucester County was sort of the trigger for dealing with this issue of how long a certified market value remains valid. Gloucester County has several applications where they came in and obtained Green Light approval, they got the certified market value from the SADC and then they went out and made a deal with the landowner and pre-acquired the farm. They couldn't apply for final approval with the SADC because there is no State money in their account. They have been on hold. Time has been going by, two or three years and in some cases more than that. We also thought that in the future other counties and partners would be in the same predicament – they may be the go-getters and they go out and get the certified market value and make deals. It might be that they cannot come in and get a final approval and funding because maybe there isn't State money available at that time. Ms. Winzinger stated that staff researched this issue and there is nothing in the regulations currently that says you can get a certified market value today and it will still be good five years down the road. It doesn't give any time period. What we do have is a lot of precedent for the SADC reviewing and issuing cost shares on values that are current. For instance, in our Appraiser Handbook it says that if you are going to submit appraisals to the SADC to get a certified market value they need to be a year old or less. So if they are two years old you cannot submit them for review to get a certified market value – you need to update them at that time. This policy was created because we don't have a rule that defines this.

Ms. Winzinger stated that this policy would be to protect those partners that have played by the rules. What it would do is allow program partners who obtain an SADC-approved certified fair market value to be able to utilize it for purposes of obtaining final SADC approval and cost-share calculation, so long as 1) the date of the certified market value is not more than three years from the date SADC final approval is requested, and 2) the partnering organization pre-acquired the easement within 18 months of the certified market value. It is giving them a three-year reprieve to come in and not have to worry about getting appraisals updated or getting a new certified market value. After that amount of time they would need to update their appraisals, which may or may not lead to an updated certified market value.

Ms. Payne stated that if a county obtained a certified market value and then closed on a farm we don't want to be in a position of say, 10 years later they come in for a reimbursement because then the market could be dramatically different. The agency is interested in both trying to help our partners and also make sure that we are paying what is relatively current market value. This is trying to balance both of those. Mr. Siegel asked what we are doing now. Ms. Payne stated that the question is being asked now because Gloucester County is in this position and Burlington County will be in this position in about a month. They have pre-acquired and they are asking if, when the SADC gets money, can they submit final approvals based on their prior certified market values. The SADC is saying well, we don't know, it depends on how old it is. Mr. Siegel stated that if they pre-acquired it that certified market value is locked in so we know what that is. It isn't a certified market value any more, it is an actual market value. Ms. Payne stated that we haven't seen a lot of issuances of certified market values without our ability to give final approval. Sometimes counties go and pre-acquire easements, then they come in with a new application and we require updated appraisals and we give them a certified market value and reimburse based on that value. Ms. Payne stated that not that counties would do this, but if you are at the height of the market we don't want entities certified market value shopping to come in with 10 or 20 applications and we lock in all these numbers. There has to be some limit at which point the agency reserves the right to reexamine the value that we are going to use to provide a grant. It is not always their purchase price. Our regulations talk about when people pre-acquire things. We are going to reimburse them based on the lower of the current fair market value as we certified or what they paid, whichever is less. So we are trying to give them some breathing room.

Chairman Fisher asked what happens in 37 months. Ms. Payne stated they would have to update the appraisals. Ms. Payne stated that the two main provisions are they have to close within 18 months of the certified market value and as long as they request final



approval within three years of that certified market value they are held harmless and don't have to update anything. Staff did provide this draft to the counties and asked for their feedback. Gloucester and Burlington Counties were the only two that we received responses from.

It was moved by Ms. Murphy and seconded by Ms. Brodhecker to approve Draft Policy P-52 Updating Certified Market Values for County Planning Incentive Grant (PIG), Municipal PIG and Nonprofit Applications Where the Easement or Fee Simple Titles Have Been Pre-acquired and the Applications Could Not Receive SADC Final Approvals and Cost Share Grant Commitments Due to Funding Shortfalls. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Draft Policy P-52 is attached to and is a part of these minutes.)

#### **D. Resolution for Final Approval – County PIG Program**

SADC staff referred the Committee to seven requests for final approval under the County Planning Incentive Grant Program. SADC staff reviewed the specifics with the Committee and stated that the recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R9(2), Resolution FY2016R9(7) and Resolution FY2016R9(8) granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

#### **MERCER COUNTY**

1. Mercer County/PRL Farm, SADC # 11-0175-PG (Resolution FY2016R9(2)) Block 2739, Lot 3.01, Hamilton Township, Mercer County, 149 Gross Acres State cost share of \$7,466.73 per acre (60% of the calculated development easement value of \$12,444.45 per acre), for a total grant need of \$1,138,228.32 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 1-acre nonseverable exception area limited to zero housing opportunities. The portion of the property to be preserved outside of the exception area includes zero residential opportunities; zero residual dwelling site opportunities; zero agricultural labor units, and no pre-existing nonagricultural uses. This approval is conditioned upon Hamilton Township

recording Ordinance 15-035, authorizing the release of a wetlands easement, with the Mercer County Clerk's Office prior to closing. In accordance with N.J.A.C. 2:76-6.23(b)(1), the grant agreement between the County and the Committee shall provide if the County sells the restricted premises for more than \$4,400 per acre, the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost-share grant.

Discussion: At the time of application to the SADC, it was determined that there was an existing wetlands conservation easement, created in 1999, which was later determined via a Letter of Interpretation from the N.J. Department of Environmental Protection (DEP) to be inaccurate. A condition of the Green Light approval was that Hamilton Township grant a "release of wetlands conservation easement" on the property and have it recorded in the Mercer County Clerk's Office. On August 18, 2015, Hamilton Township passed Ordinance 15-035 authorizing the release of a wetlands conservation easement on the property, with recording of the document at the Clerk's Office pending.

## **WARREN COUNTY**

2. RLL Enterprises Inc., SADC #21-0572-PG (Resolution FY2016R9(7))  
Block 51, Lot 4, Franklin Township, Warren County, 50.1 Gross Acres  
State cost share of \$4,700 per acre (61.84% of the certified easement value and purchase price), for a total grant need of \$230,441.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 2.5-acre nonseverable exception area for and limited to one future single-family residence. The portion of the property outside the exception area includes zero residential opportunities, zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: At the time of application and certification, the property included one approximately 1-acre nonseverable exception area limited to one future single-family residential unit, resulting in approximately 49.4 net acres to be preserved. Subsequently the landowners requested to enlarge and relocate their exception area. The independent appraisers and SADC review appraiser have agreed that this change does not impact their original appraisals or the SADC certified development easement value. The property includes one approximately 2.5-acre nonseverable exception area limited to one future single-family residential unit and resulting in approximately 47.6 net acres to be preserved. The County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases; therefore, 49.03 acres will be utilized to calculate the



grant need.

## **SOMERSET COUNTY**

3. Lana Lobell, LLC, SADC #18-0213-PG (Resolution FY2016R9(8))  
Block 44, Lots 2.01 and 2.02, Bedminster Township, Somerset County, 172.6772  
Gross Survey Acres  
State cost share of \$20,400 per acre, (60% of the certified easement value and  
57.46% of the purchase price), for a total grant need of \$2,508,559.44 pursuant to  
N.J.A.C. 2:76-6.11 and the conditions contained in Schedule E. The property  
includes the following exception areas, resulting in approximately 122.9686 net  
acres to be preserved:

Two Nonseverable exceptions on Lot 2.01:

- One approximately 3.57-acre nonseverable exception with 1 existing single-family residential unit and limited to 2 residential units.
- One approximately 1.43-acre nonseverable exception area limited to 2 existing residential apartments located inside existing barns.

One 44.7086 acres severable exception (entire Lot 2.02):

- As a condition of the SADC certification of an easement value and this final approval, the entire lot shall be deed-restricted for agricultural use and production, by a Deed of Easement to be held by the County that meets the requirements of the SADC and the Natural Resources Conservation Service (NRCS).
- There is one approximately 2.57-acre nonseverable exception area for a future residential unit.
- There is one existing single-family residential unit on Lot 2.02 outside of the exception area.
- The entire lot, including the exception area, is limited to 2 residential units.
- Lot 2.02 will have a 4% impervious coverage restriction (approximately 1.69 acres) for the construction of agricultural infrastructure on the portion of the lot outside of the exception area, which is the maximum allowable impervious cover under the Agricultural Land Easement (ALE) program at this time.

The portion of the Property outside the exception areas includes the following:

- Two duplex residential units.

- The northern duplex may be replaced by a single-family residential unit or duplex and is limited to its existing (+/-1,500 sq. feet) square footage of heated living space; and
  - The southern duplex may be replaced by a single-family residential unit or duplex and is limited to 5,000 square feet of heated living space; and
- One 4-unit residential apartment unit.
  - The 4-unit residential apartment unit may be replaced by one single-family residential unit or other residential structure of no more than 4 units and limited to 3,000 square feet of heated living space.
- Zero residential buildings used for agricultural labor purposes.
- No pre-existing non-agricultural uses; and

If ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the County cost share and then, with the remaining funds, to reduce the SADC's cost share. If a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its final approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on the Property. Any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund). If unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding. Should additional funds be needed due to an increase in acreage and if base grant funding becomes available, the grant may be adjusted to utilize unencumbered base grant funds.

Discussion: A parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 USDA, NRCS Agriculture Conservation Easement Program (ACEP) for an ALE grant. The NRCS has determined that the property and landowner qualified for ALE grant funds. The landowner has agreed to the additional restrictions associated with the ALE grant, including a 3.67% maximum impervious coverage restriction (approximately 4.51 acres) for the construction of agricultural infrastructure on the property outside of the exception areas, which is the maximum impervious coverage allowable for the property under the ALE program. Pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docks or decks. Temporary greenhouses or other temporary coverings that do not have impervious floors are not included. The ALE grant will be based on the approved federal

appraisal current easement value of \$36,364 per acre equating to an ALE grant of \$18,182 per acre (50% of \$36,364) or approximately \$2,235,815.08 in total ALE funds. The use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language in cooperation with the NRCS, prompted by ACEP and the FY14 Farm Bill.

The motion was unanimously approved. (Copies of Resolution FY2016R9(2), Resolution FY2016R9(7) and Resolution FY2016R9(8) are attached to and are a part of these minutes.)

**Mr. Johnson recused himself from any discussion/action pertaining to the requests for final approval for Burlington County to avoid the appearance of a conflict of interest. Mr. Johnson is a member of the Burlington County Agriculture Development Board.**

It was moved by Mr. Danser and seconded by Ms. Brodhecker to approve Resolution FY2016R9(3), Resolution FY2016R9(4), Resolution FY2016R9(5) and Resolution FY2016R9(6) granting final approval to the following applications under the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey:

## **BURLINGTON COUNTY**

1. Abrams Homestead, LLC, SADC #03-0402-PG (Resolution FY2016R9(3)) Block 17, Lot 6, Shamong Township, Burlington County, 81 Gross Acres State cost share of \$2,956 per acre, (77.79% of the certified easement value and 69.39% of the purchase price), for a total grant need of \$243,574.40, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum 10% impervious cover available for the construction of agricultural infrastructure on the property outside of the exception area which totals approximately 8.0 acres. The property includes one approximately 1-acre nonseverable exception area for flexibility around the agricultural structures and limited to zero residential opportunities. The portion of



the property to be preserved outside of the exception area includes zero single-family residential units, zero agricultural labor units, and no pre-existing nonagricultural uses.

Discussion: The New Jersey Pinelands Commission Letter of Interpretation #2127 allocated 4.0 Pinelands Development Credits (PDCs) to the property. As a result of the conveyance of the Deed of Easement to the County, the 4.0 PDCs will be retired. Pursuant to N.J.A.C. 2:76-19.3, landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula or pursuant to N.J.S.A. 4:1C-31. A landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the property to 10 percent of the total property acreage. The owner accepted an offer from the County to purchase a development easement based on the Pinelands Valuation Formula with the impervious cover option for \$4,260 per acre. The owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum 10 percent impervious cover available for the construction of agricultural infrastructure on the property outside of the exception area, which totals approximately 8 acres. The County has requested to encumber an additional 3 percent buffer above the net acreage to be preserved for possible final surveyed acreage increases; therefore, 82.4 acres will be utilized to calculate the grant need.

2. Grace Adams, SADC #03-0403-PG (Resolution FY2016R9(4))  
Block 1002, Lot 6, Tabernacle Township, Burlington County, totaling approximately 82.2 Gross Acres. State cost share of \$2,200 per acre (73.33% of the certified easement value and 62.32% of the purchase price) for a total grant need of \$179,476.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes one approximately 3-acre nonseverable exception area for and limited to one single-family residential unit. The portion of the property to be preserved outside of the exception area includes zero residential opportunities, zero agricultural labor units, and no pre-existing nonagricultural uses.

Discussion: The New Jersey Pinelands Commission Letter of Interpretation #2119 allocated 3.0 Pinelands Development Credits (PDCs) to the property. As a result of the conveyance of the Deed of Easement to the County, the 3.0 PDCs will be retired. The County has requested to encumber an additional 3 percent buffer above the net acreage to be preserved for possible final surveyed acreage increases; therefore, 81.58 acres will be utilized to calculate the grant need.

3. Paul and Kathleen Wells, ADC # 03-0398-PG (Resolution FY2016R9(5))  
Block 19.01, Lot 8.03, Shamong Township, Burlington County, 52 Gross Acres  
State cost share of \$2,436.40 per acre (71.79% of the certified easement value and  
purchase price), for a total grant need of \$130,493.58 pursuant to N.J.A.C. 2:76-  
6.11 and the conditions contained in Schedule C. The property has no exception  
areas. The property to be preserved includes one single-family residential unit;  
zero agricultural labor units and no pre-existing nonagricultural uses.

Discussion: The New Jersey Pinelands Commission Letter of Interpretation #2125  
allocated 2.0 Pinelands Development Credits (PDCs) to the property. As a result of the  
conveyance of the Deed of Easement to the County, the 2.0 PDCs will be retired. The  
County has requested to encumber an additional 3 percent buffer above the net acreage to  
be preserved for possible final surveyed acreage increases; therefore, 53.56 acres will be  
utilized to calculate the grant need.

4. Indian Mills Farm, LLC, ADC # 03-0404-PG (Resolution FY2016R9(6))  
Block 28.01, Lot 4.01, Shamong Township, Burlington County, 166 Gross Acres  
State cost share of \$2,869 per acre (69.72% of the certified easement value and  
64.97% of the purchase price), for a total grant need of \$490,541.62 pursuant to  
N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has  
no exception areas. The property to be preserved includes zero residential  
opportunities; zero agricultural labor units and no pre-existing nonagricultural  
uses. The County has requested to encumber an additional 3 percent buffer above  
the net acreage to be preserved for possible final surveyed acreage increases;  
therefore, 170.98 acres will be utilized to calculate the grant need.

The motion was approved. (Mr. Johnson recused himself from the vote.) (Copies of  
Resolution FY2016R9(3), Resolution FY2016R9(4); Resolution FY2016R9(5) and  
Resolution FY2016R9(4) are attached to and are a part of these minutes.)

**F. Stewardship**

1. Review of Activities
  - a. Mortellite Farm, Winslow Township, Camden County

Mr. Clapp stated that today staff is here to discuss a potential violation of the Deed of  
Easement for the Mortellite Farm in Winslow Township, Camden County. There are two  
properties in question, which are the Mortellite farm and the Schafer property. Both



landowners are here today if the Committee has any questions. The potential violation stems from flooding that is occurring on the Schafer property, alleged to be coming from the Mortellite farm. Braddock Avenue has some flooding issues as well and staff will discuss that with the Committee.

Mr. Clapp reviewed the various components as described in his September 24<sup>th</sup> memo to the Committee pertaining to this issue. The memo states that over the past several years, staff has received repeated complaints from a landowner, Mr. Paul Schafer, concerning flooding and soil erosion purportedly emanating from the adjacent preserved Mortellite Farm. According to Mr. Schafer, the frequency and intensity of flooding on his property increased when Mr. Anthony Mortellite purchased the preserved premises and planted blueberries. Specifically, Mr. Schafer contends that Mr. Mortellite's management practices have resulted in his basement flooding on a regular basis along with sediment accumulating at a greater rate in his yard.

The farm was preserved by Anthony Curcio in 2003. Mr. Mortellite purchased the farm in December 2007 and promptly planted the entire property in blueberries for the 2008 crop year. Historically, the property was utilized for orchard production, with portions dedicated to vegetable production immediately prior to Mr. Mortellite's tenure.

In 2012, Winslow Township attempted to resolve the flooding concerns. The Township agreed to design and construct a basin located primarily on Mr. Schafer's property and partially on the Mortellite property to control runoff from the farm. The plan was presented to both landowners in July 2012. Mr. Schafer signed a temporary construction and right of entry agreement allowing for construction by the Township and requiring subsequent maintenance of the basin by both landowners. Mr. Mortellite, through his attorney, informed the Township he would not agree to the basin.

In May 2013, SADC staff visited the site to investigate Mr. Schafer's concerns and prepared a report outlining the findings of the field visit. The USDA-NRCS EFH2 computer program was used to determine if row arrangement and management practices could impact site runoff from the preserved farm. That analysis suggests the up-and-down slope orientation of the blueberry rows and the lack of permanent vegetation cover between the rows has substantially increased during Mr. Mortellite's tenure. According to Mr. Mortellite's own engineer, the rate of runoff increase was 130 percent greater than under Mr. Curcio's tenure. Although the Schafer property lies downstream from, and in a natural drainage path of the site and will still get flooded during significant storm events, staff's findings corroborate Mr. Schafer's contention that Mr. Mortellite exacerbated water runoff and erosion due to the management practices employed. The

memo states that visible signs of substantial erosion were present on site. NRCS' independent findings likewise corroborate those of staff and the residential neighbor.

The memo states that the impacts to the Schafer property and the Township road from soil erosion and runoff emanating from the Mortellite property could be reduced by following best management practices. The following management practices utilized by Mr. Mortellite have had negative impacts on water and sediment runoff from the site:

1. Blueberry rows were oriented up and down slope, and with no ground cover between crop rows. This created a series of waterways between the raised beds that channel water and sediment toward the property line. Planting blueberries up and down the slope with bare soil between maximizes runoff and peak discharges of water from the site when compared to planting blueberries across the slope or planting blueberries in any direction with a permanent vegetative cover between the crop.
2. An area of trees was cleared at the property line (on both properties, and by both Mr. Mortellite and Mr. Schafer). The loss of trees increased runoff and reduced the ability to trap sediment.
3. A large pit within the wooded area on the preserved premises was filled, either intentionally or with eroded sediment. This area of potential storage capacity has been eliminated.
4. The space between the rows of blueberries was cultivated and clean tilled. The lack of vegetative cover on the sloped field leads to increased wind and water erosion.

There have been communications between the SADC and the landowner to attempt to resolve the issue. The letters consistently requested that Mr. Mortellite respond with a plan to address activities on his farm that may be considered violations of paragraph 7 of the Deed of Easement. The correspondence highlighted four management practices outlined in the trip report that could be considered individually or in concert with one another to mitigate runoff and erosion concerns created on the site. These included planting grass strips between the blueberry rows, installing a water and sediment basin to control runoff from the property, installing a series of diversions across the property to slow water and sediment flow, and removing and replanting the sloped areas of blueberries on contour rather than across the slope.

Mr. Mortellite retained an attorney and engineer. On October 16<sup>th</sup>, 2014, Mr. Mortellite and his representatives met with staff. They agreed to plant a permanent row cover



between his blueberry plants, and to further explore the installation of a basin to address excessive runoff at staff request. Mr. Mortellite seeded a permanent cover with assistance from NRCS on October 31<sup>st</sup>, 2014, which was the last date of the NRCS-recommended Fall seeding window.

Staff inspected the site with NRCS in May 2015. The row cover did not effectively establish during the winter and spring. In a letter dated July 28, 2015, staff requested Mr. Mortellite reseed the vegetative cover during the Fall 2015 seeding window. Staff also determined Winslow Township is still willing to construct the basin at no cost to the landowners. However, responsibility for maintenance of the structures would still fall on Mr. Mortellite and Mr. Schafer.

The memo states that to date, Mr. Mortellite has not reseeded the areas between his blueberry rows. Further, Mr. Mortellite has expressed to staff he is still unwilling to allow the Town to install a portion of the basin on his property, because he is not willing to maintain it.

Staff opinion is that both the basin and grass strips between the rows are necessary to address runoff and erosion caused by planting the blueberry crop up and down the slope. Mr. Schafer has expressed his willingness to allow for the basin to be installed, which is located primarily on his property. NRCS has stated that they could incorporate the basin as a practice for controlling runoff and erosion into Mr. Mortellite's farm conservation plan, pending landowner consent and verification that it meets technical standards. NRCS could potentially cost-share a second attempt by Mr. Mortellite to establish permanent row cover between his blueberry bushes.

Staff believes they have exhausted all possible avenues to achieve an amicable resolution while working with Mr. Mortellite for the past three years. Mr. Clapp reviewed various reports, technical information, and aerial maps and photos with the Committee relating to the above issue.

Mr. Siegel stated that the difference between the blueberry operation and the orchard regarding water going off the property is a 10 times increase so most of the increase was from orchard to vegetables. Mr. Clapp stated that was correct. What we are showing is the condition 15 years ago to the conditions today. Staff looked at the condition from 5 years ago, 10 years ago to today and they all show an increase. Chairman Fisher stated that there was no issue when it was orchards. Mr. Clapp stated that to the best of his knowledge, with really big storms you would have an issue but it wasn't the several times a year flooding in the basement type thing, mud, etc. Chairman Fisher asked what the

data tells him. Mr. Clapp stated that there was an increase in the rate of runoff and volume of runoff going from orchard to vegetables. So we went from peak discharge 2 for orchard established to peak discharge 18, so that is nine times greater. Ms. Murphy asked if the calculation takes into consideration that the vegetables were across the slope and then the blueberries are not. Do the calculations take into account the change in direction of the crops? Mr. Clapp stated correct. Mr. Clapp stated that to answer Chairman Fisher's question, the vegetable peak discharge number was 14.

Mr. Waltman asked when the direction of the rows changed. Mr. Clapp stated that orchards really have no row direction. Mr. Danser stated that the vegetables were across the slope and the blueberries were up and down slope.

Mr. Everett stated that when the ownership changed there was an agricultural crop change. Mr. Curcio was the original grantor of the easement. He had an orchard and a vegetable operation. When Mr. Mortellite bought the property, that is when he changed it to blueberries and at that time the slope orientation changed as well as the crop.

Mr. Clapp stated that staff looked at alternatives that could potentially address the increase in runoff – looking at best management practices, what things, when that crop went in, could have been done differently that would have impacted the volume of water leaving the site. Using the same numbers mentioned earlier, if Mr. Mortellite had planted blueberries up and down the slope with permanent cover or grass between the rows, that number would have dropped to 3, almost the same as when it was orchards. That was sort of what we were looking at, what management practices either could be implemented or were not implemented that could have had an impact on how this plays out.

Mr. Siegel stated that isn't common in blueberry operations. He hasn't seen grass between the rows. Mr. Clapp stated that it is not common in New Jersey but it is a best management practice and it is common across the country. He showed various farms in other states with crops between the rows (Pennsylvania, Seattle area, Maine). Mr. Clapp stated that Rutgers has a blueberry management guide and in their blueberry bulletin one of their recommendations to reduce erosion is to plant row covers. There are two things we are concerned about. One is altering the drainage and the flow paths. Changing the orientation of the crop potentially had an impact on that and the other part is the sediment and the erosion and what we are losing from this preserved farm in terms of its productivity. Having the bare soil has an impact on that. It washes the soil away. This one practice would help with those two things. One photo shows a slope down to their driveway so that practice would help as the water comes off. First, more of it would go into the ground because it is traveling across that surface slower so more of it has a



chance to get into that loose sand, and the second part is the water that runs off that grass would be cleaner with less sediment in it. Again, Mr. Mortellite had his engineer do a report and they agreed to plant the grass strips so in October of last year, which was the last day of the NRCS seeding window, they did plant. NRCS sent us a photo and unfortunately when staff went out to the site in May, there was almost nothing that had come up. Staff received more photos just yesterday from NRCS and they said that areas like this should be reseeded, and that was about eight acres of the farm that would need to be reseeded. Mr. Clapp stated that from what he understands, Mr. Mortellite is willing to go out and reseed again.

Mr. Clapp stated that the other part of staff's concern was the basin. It is an alteration to the drainage on the property. There are things that could have happened if the rows were planted across the slope. Each one of those rows could have potentially acted like a small basin and stored water and you wouldn't still need this larger area. Staff opinion is that filling this area either intentionally or unintentionally has altered the drainage hydrology.

Chairman Fisher asked what question we are here to decide. Mr. Clapp stated that there is one more piece of this discussion as was related in his memorandum. In an effort to resolve this problem prior to SADC involvement, the Township in 2012 designed a basin that would resolve the flooding issues on Braddock Avenue and reduce the impact on the neighboring property. Both neighbors would have needed to approve this basin design and then maintain it. Mr. Schafer did sign off but Mr. Mortellite through his attorney declined to do that. Mr. Clapp stated also that the photos staff received yesterday do show that some of the grass had grown. Staff had not, until yesterday, received any information that it had grown and had asked Mr. Mortellite in a meeting to have his engineer come back to us and explain either why this basin plan wouldn't work or to explain to us why basin restoration was no longer necessary. That is the information that we did not receive so that staff feels we are at an impasse and need guidance from the Committee.

Chairman Fisher asked about storm events. Mr. Clapp stated that the storm events they were looking at that had impacts that approximate the two-year design storms (that they received pictures of). So it would be fairly frequent storms.

Mr. Everett stated that there have been many pieces of correspondence with Mr. Mortellite and his attorney relative to actions that the SADC thinks would remedy the situation. As Mr. Clapp mentioned, he did plant the row cover last October and we heard yesterday that he is amenable to doing that again through NRCS, which can cost share on this. Staff's opinion is that we don't think that rows alone can remedy this situation but

rather in concert with the restoration of some kind of basin to capture some of that runoff. In fact, he contacted the Township, which in 2012 designed this berm, to see if they would pay for it as a way to work with the landowners and resolve this issue. The Township said they would have to go to a special committee to find the funding. They then came back and said yes, they would pay 100 percent of the cost of installation and they would consummate a temporary construction easement to be on each property but they would need signatures from both landowners in order to move forward with this. As you heard, Mr. Schafer did say he would sign off on it and the Mortellites are still not amenable to that because once they install it they would have to maintain it. However, you can see that the majority of the berm would be on Mr. Schafer's property. Mr. Everett showed the Committee via photos where Mr. Schafer's house is and that Mr. Schafer also owns another lot next to that. Mr. Schafer is willing to give up a lot of that lot in order to remedy the flooding situation. Staff is here today to see if there is a violation of paragraph 7 of the Deed of Easement.

**Paragraph 7 says that "no activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises."**

Mr. Everett stated that staff feels that there is an issue here relative to Paragraph 7. Staff would like the Committee's input because we are at an impasse with the preserved farm landowner at this time.

Mr. Siegel asked Mr. Roohr if, regarding blueberries, he has ever seen grass. He has seen a number of blueberry farms and he has never seen anything but sand. Mr. Roohr stated that at none of the large-scale operations that he has been through in New Jersey has he seen grass. No grass seems to be the New Jersey traditional way to do it. He doesn't know the science behind it. Mr. Everett stated that at the Terhune farm, which is in Mercer County and is a preserved farm, they have sod in between the rows. He stated how much of the Hammonton properties, as Mr. Siegel mentioned, do not have slopes like the Mortellite farm has.

Ms. Payne stated that she feels it is fair to say that the Mortellite property is in a naturally low lying area. We obviously do not take the perspective that solving all flooding issues on adjacent properties is the responsibility of the farmer at all. If the Township came to us and said, "hey, we have a flooding problem on this property and we want to build a berm on that preserved farm to fix it," the SADC would say no, it's a nonagricultural use of the farm. But the issue we are wrestling with here is what is the contribution the farm



has made toward exacerbating flooding and therefore, what is the farmer's responsibility to deal with those issues? She thinks that staff identifies in the memorandum and in the correspondence a whole series of things. One thing you can conceivably do is pull all your blueberry plants up and put them sideways. We recognize that would be extremely onerous on the farmer and that is not something that staff is recommending. What we were trying to focus in on was 1) can the middles be sodded or grassed or whatever they can grow there – is that a practice that can be employed that would reduce the farm's impact? 2) Can the water retention capacity that was there when Mr. Mortellite bought the property in that low lying area, can that be restored to try to get back to some reasonable management practices that could counteract what the impact we think has been of this changing practice? That is where we are and where we have been for the past two-plus years, trying to get to an amicable resolution on management practices to deal with this impact that the farm has had. The reason it is before the Committee today is because we are at a standstill.

Mr. Danser asked if a conservation plan was required when it was preserved. Ms. Payne stated that the Deed of Easement says that you have to have a conservation plan, a soil and water conservation plan, and it has to be consistent with long-term goals. Mr. Danser asked whether there is an approved conservation plan in place. Mr. Everett stated that there is one but NRCS did opine on this matter and they said significant amounts of soil erosion from the field was deposited in the lowest point of the farm at the end of the road before the neighbor's properties. Mr. Everett stated that we observed one-foot cuts where the water had eroded the soil away. Mr. Danser stated that if it had deposited on the farm that naturally could have filled in the depression, right? Ms. Payne stated correct. Mr. Clapp stated that the NRCS report was after one of the hurricanes so that explains the extreme nature.

Mr. Siegel asked why the change in the row direction is an onerous solution. Mr. Clapp stated that you would have to take out your blueberries, which were started in 2008. It takes about three years at least to get a crop of blueberries so it would be a very big financial burden.

Mrs. Mortellite addressed the Committee. She stated that you asked just now did this happen with the blueberry farmer and they said yes. She stated that's not so – 36 years ago when Mr. Schafer built this he went to the Township and that is when this ordeal started. He asked the Township why he was allowed to build that house in a USDA natural waterway. All of that was before us. So this picture that they have painted has started when we came on and they left out everything before. That is not fair. Several options were discussed between Mr. Schafer and the Township before we came along.

Some went through, some did not. Again, nothing to do with us. All of a sudden we come along, obviously we are staying and now they say, "well, let's pass him off to someone else." We cannot make him happy. No one has made him happy in 36 years. This was all before the Mortellites came along. So the picture they have painted is not what is happening. The reason we won't do it is because the berm is a dirt hill. As you can see for 15 years, they took their findings from 2011 from Hurricane Irene, there is no controlling the dirt. What do you think is going to happen to dirt, not to mention she is a protected farm and she cannot bring dirt in. So where are you getting the dirt? The farmer didn't do anything wrong. This is between Mr. Schafer and Winslow Township. It has nothing to do with the farmer. You are right, grass should not be on a blueberry farm, not in New Jersey. You have to go back and say why are we here in the first place? That is where she thinks you should start this conversation.

Mr. Schafer stated that Mrs. Mortellite is right, he did have water problems the first year he moved in. It was during the winter and it rained like crazy. There were three thunderstorms in the wintertime. When he called his builder he stated he needed someone over there now because he knew no one – he came from Philadelphia. A woman came over and said to the builder to get as many pumps as you can and come over. There was about 8 inches above his basement windows. It was clear water. He went to the Township and found out there was a 6-inch piece of pipe by the road. In 1995, the Township came out and put in the 21-inch pipe and said that should be fine. What he got once in a great while, and only in the winter time when the ground was frozen, was runoff from the peach orchard behind him, which was all grass. He spoke to the previous owner, Mr. Curcio, just last week and he said yes, there was all grass back there and they mowed it and planted peaches. That being said, when he did get water, and he has pictures that were not in the presentation today, he could show where the water was crystal clear in his basement that he did get every so often, meaning once every 5 to 8 years, and the water running through his property with snow all around so it looked like a babbling brook. Now Mr. Mortellite moved in and he and I were talking about what we could do to resolve the problem and I said do you have disks because we have to flip all this mud over that is on my property. Mr. Mortellite, said yeah, we'll take care of it buddy. Well, all the mud is where all the grass could have been planted in his rows. Mr. Schafer stated that he had to raise his sprinklers, all 45 of them, because of this. All those that lay in that depression area, the ground has built up over the years so all Mr. Mortellite's good soil is on my property and through the pipe. The only reason he is here today is he was sitting next to Ms. Roberts of the SADC at Winslow Township and she said mud? So he showed her some black and white photos and Ms. Roberts said water is one thing, soil is another. That is why we are here. He stated that he is not disputing the water issue but you saw some pictures that are really not as graphic as to what has actually happened, the mud and



debris, and he has to constantly clean it up and he never had that issue before. When he says constantly he would say two or three times a week once in a while – that's a freak when you have a storm that is that severe or a series of storms that came in 2 or 3 times a week but they have happened. He has many pictures and videos.

Ms. Payne stated that she wanted to point out to the Committee that there has been a Right to Farm complaint filed in this matter and of course if the property owner is in violation of the Deed of Easement they are not eligible for Right to Farm protections so the question needs to be resolved at the Committee level as to whether this farm is in compliance with the Deed of Easement. If it is, then the Right to Farm process can take its course and if it is not, then the Right to Farm process stops.

Mr. Siegel asked about stormwater runoff rules. You are not allowed to have stormwater runoff. But what do the regulations contemplate as a solution? Ms. Murphy stated she is not an expert but as far as what she understands they are for new construction. There is no new construction in this. Mr. Waltman stated that an acre of site disturbance or a quarter-acre of impervious cover trigger those but in an agricultural setting he hasn't heard of this. In his area, he manages a nonprofit organization and they have an organic farm on the property. About 8 to 10 years ago they switched their rows to be contoured along the side of the hill to shoot down into the stream. This has made a huge difference in erosion. The farm right across the street from them just went in. They had their rows going down below stream. He spoke to them and they shifted them around and it made a huge difference in the soil that is coming off, the color of the water and the volume of the water. He understands that the landowner here has planted blueberries and it's a big investment and that is different from putting in crops that you plant every year so we are trying not be too harsh here. But he thinks this paragraph 7 is very clear. Even if you don't believe this has led to more runoff, it certainly undermined control of erosion. Mrs. Mortellite stated that the problem is not a farming problem. The paragraph has absolutely nothing to do with this. Mr. Waltman stated that is not true. The question is has the farm conducted activities that have been detrimental so whether or not it was ever a smart place to build a house, and it is unfortunate, the question is has the problem gotten worse and that is the way he reads this provision. He feels it is pretty clear that it has gotten worse. Mrs. Mortellite asked at what point do you stop rewarding bad behavior? He has threatened her, he has been arrested. Mr. Waltman stated we cannot go into that. Mrs. Mortellite stated that you have to go into that because it's the bigger picture. They cannot help him, it is not going to end and it is detrimental to her family, her farm and her right to farm. You say you can't go into that but you have been given the wrong picture of what is actually happening. It cannot just come down to, well in 1936 when he bought this farm, because you say yourself erosion and other things happened. But for the sake

that he didn't bring in his own truckloads of dirt when he was having problems prior to them, at least for 20 years, and he had problems – he disrupted the soil, not us. Mr. Waltman stated that he cannot let her litigate her complaint in front of us. Mrs. Mortellite stated she isn't, she is saying he brought in the soils.

Ms. Payne asked what information the Committee needs, other than what staff has presented. We are not asking the Committee to make any hard and fast decisions today. Staff is at a stopping point in trying to resolve these issues so we are asking the Committee what else we can do on the Committee's behalf to try to manage this question. Mr. Siegel stated that staff has said straight out that changing the rows is undoable. He doesn't understand why that is. He would like the Committee to look at that a little further to see if that cannot be done. He understands that it can't be done in this growing season. Mr. Danser stated that he is sure that blueberries are a long-term crop. Mr. Siegel would like someone to ask a blueberry guy who has no idea of where this is, if we asked him to change his north-south rows to east-west, is that a disaster or is it a three-year or a ten-year project?

Mr. Johnson asked the Mortellites if they filled the depression. Mrs. Mortellite stated that he is making it sound like it was a pond. It was never a pond. It was a little indentation that has gotten its own name now. Mr. Mortellite stated that since then, he thinks it was the beginning of this year, the State engineer came out with an auger-type device to resolve this issue of whether it was a basin or not. Mr. Johnson asked if they filled it. The Mortellites responded no. Mr. Danser asked why they changed the rows, the vegetable rows across this slope, and you decided to run yours up and down. Mr. Mortellite stated that he conversed with everyone to see what was the best way to do this project. Mr. Johnson asked if they planted through the depression – are there blueberries there now? Mr. Mortellite said no, it is the same way as it was, it was just cleared. He was originally going to put the chemical building that he put in from the NRCS over there because it was near the well. That is why he really didn't plant it. Chairman Fisher asked how many acres are in blueberries? Mr. Mortellite stated that this is a 75-acre piece and he has another piece and then a farm in Shamong, so it's 100 acres of blueberries. It would cost about \$450,000 of income per year to change the rows. You would have to put in all new irrigation also.

Mr. Waltman stated that the property was preserved in 2003 and questioned whether there is a requirement for a conservation plan. Mr. Everett said there was and still is a requirement. Was the plan developed? Mr. Everett stated that is where 1619 of the Farm Bill sort of complicates things because it is private what that plan says, so it is at odds with what the easement says. Mr. Waltman asked if a conservation plan would have had



recommended that they plant the rows sloping down the hill like that, Mr. Clapp stated that he couldn't speak for the planner who wrote it but the conservation plan should address best management practices, which on a slope, even for blueberries, is across the slope.

Mr. Danser stated that it is very confusing. We talk about a plan and then you don't know about the guy who wrote it. Is there a plan or not? Mr. Clapp stated that there is a conservation plan. We do not know what is in that plan. It is confidential. Ms. Payne stated that a farmer can get a conservation plan to put up a pesticide storage building and that would be a plan. A plan does not necessarily address every conservation concern on a property unless the landowner states that concern. Mr. Danser stated that a conservation plan says whether it is highly erodible or not and if it isn't you basically don't have to go any further. If it is, then they make recommendations as to what the rotation should be and how it should be planted up and down or across the slopes and all kinds of things. However, if they are confidential and we cannot see them then he doesn't know what you do.

Chairman Fisher stated that the Township proposed something. Ms. Brodhecker stated that this wall that the Township has proposed – one of you has approved it to be on the property and the other one said you would approve the building of it but you didn't want the responsibility of maintaining it. What is involved in maintaining that, what would you need to do to it and how often? Mr. Schafer stated that the Township proposed it and it was a handshake deal. It was he and the township administrator. They met and they asked if he would have any objections and he did because he didn't want a berm put on his property. The administrator said look, that would either solve his problems or not. The fact that he owned the property next to it and it's just all woods, they said they would run a swale through there and they would be good to go. Mr. Mortellite said, OK, let's do it, so Mr. Schafer and his wife signed the agreement and handed it over to the Township for Mr. Mortellite to sign it. That weekend the fence went up across the back of his property by Mr. Mortellite. That was his subtle way of saying he isn't signing it. Mr. Schafer said the plan was this would act as a retention basin on his property with no cost to him or Mr. Mortellite. Ninety percent of that or 80 percent would be on his property. Chairman Fisher asked Mr. Schafer if he would be willing to maintain his own portion. Mr. Schafer stated sure. Ms. Murphy asked what exactly that would entail. Mr. Schafer stated that he doesn't know – he doesn't have an answer, possibly mowing the grass. He was told he could drive over it with his tractor or his mower. Mr. Clapp stated that normal maintenance would require mowing and inspecting after any rain events to make sure there wasn't a breach or issue. It would require cleaning out the pipe to ensure that it wasn't clogged. If there was any long-term damage or if a hurricane or 100-year storm

comes through, water will swell over the top of it, so they would need to make sure that the grass was still established and that the entire structure is functioning. Ms. Brodhecker asked would it get built up with silt that would come on down and would that need to be pulled out periodically? Mr. Clapp stated that there is the potential for that; the pipe should or could be placed in a way that the water would flow through but some silt will eventually accumulate in there that needs to be maintained.

Chairman Fisher stated that these things happen all the time and everyone is worried not only about the present but the future. They are concerned about what happens if something goes wrong, who is responsible, so it's another set of circumstances that creates even different sets of issues. If they are willing to accept all of that plan, what is the responsibility of the other party if they are going to maintain it themselves? What would be the issue for the farmer? Mr. Clapp stated that if you look at the map and the property line, to make this berm work, whatever height that they pick, say it's 3 feet higher, it has to tie into high ground on the upstream end. So portions of this berm come across the property line and tie into the high ground on either sides. So again, the similar maintenance requirements would be for mowing, removal of sediment, making sure that the area was intact. As Mr. Schafer was saying, when the one pipe backs up water in his yard it ends up with sediment in his yard, so he has had to raise his sprinklers. The same thing in theory could happen up in the berm area.

Mr. Danser asked if anyone mapped where the area of ponding will be for the two-year storm if that was constructed. Mr. Clapp stated not for the two-year storm but this is again the 25-year storm, which it was designed for. To the best of his knowledge, the area (shown on the map to the Committee) is what the maximum extent of the ponding would be. The line represents the same elevation as down below so once the water reaches that area it will flow over the top of the berm. Mr. Everett stated that the Township will pay for this to build it but not to maintain it. Ms. Payne noted to Mr. Schafer that some of the photos show that he used to have forested or wooded areas on the property and that is gone. She asked why that was. Mr. Schafer showed on a map to the Committee the location of his house, pool and shed on the property now. In the back there were very big old oak trees, it was open woods and he could mow back there. The oaks started dying off so he took them all down and he didn't need very large branches falling down and possibly hitting his grandkids because they play back there so he took them down. In another area were Russian olive trees. If you know what they are, you'll know that you cannot walk through there. They are so thick with underbrush. He spoke to Mr. Curcio who owned the farm originally. He said first off it was all grass and peaches that were where his crop was so he just mowed it. It absorbs when you get a heavy rain. It slows it down and it gets absorbed. Also, Mr. Mortellite brought a bulldozer and took all that stuff



out and piled it. When you bring in a bulldozer and take out stumps and everything you drop the soil by a foot or two feet, he doesn't know but it lowered the soil back there. Then he planted his rows. As it was said earlier, it is a combination of issues – 1) there is nothing to hold the soil together and 2) the rows are downhill.

Mrs. Mortellite stated that she still maintains that it is not a farmer issue, this is a Township/resident issue. We even said if you want to come and put a dirt hill – she didn't even know what a berm was – it is a dirt hill. We have proven that erosion happens because of this crazy weather that we have had. So you want her to maintain a dirt hill? It is just impossible. You are asking her to do something that would involve her in a situation that she shouldn't be in because she didn't break any kind of a rule and she is saying that he has had these issues before. She stated that if he wants to sign it and say he would never bother the Mortellites again because they were willing to try this, OK, bring on the berm.

Chairman Fisher stated that he would close the public portion of the meeting so that we can get to some type of action on this issue, so we will need to discuss it with the Committee.

Ms. Murphy asked for a recap or a succinct statement of how the staff feels about how the Mortellites may be violating the Deed of Easement. Ms. Payne stated the concern is with paragraph 7 in the deed that says no activity shall be permitted on the premises which would be detrimental to the drainage, flood control, water conservation, erosion control or soil conservation. That is the main language. Ms. Murphy asked about the specific activity. Ms. Payne stated that to staff, it is flood control and erosion control. Ms. Murphy asked what the actual activity is. Ms. Payne stated that the agricultural activity is causing it. We are not suggesting anything else is happening. Mr. Danser asked whether that means that the agricultural activity is not permitted. Ms. Payne stated that is the essence of the denHollander litigation. It was an agricultural activity that was highly detrimental to soil conservation, so yes. Ms. Murphy stated that assuming that they go ahead and it sounds like they are going to replant the cover between the rows, it sounds like that could take care of the erosion control and the soil conservation of that, correct? Mr. Clapp stated that is the hope. Ms. Murphy stated so we are left with activities that are detrimental to drainage and flood control and water conservation and the activities then that are detrimental to flood control would be getting rid of the basin that was there originally, is that right? Ms. Payne stated that staff thinks that was functioning as somewhat of a flood control device. We didn't suggest that it was a pond, it wasn't permanent, but it was clearly a depression and they were irrigating out of it. Ms. Mortellite stated and it is still there. Ms. Payne stated that Mr. Clapp has attempted to

calculate what the capacity of that was so we are just trying to understand what was the condition when they took the property on and then we acknowledge that the orientation is an exacerbating factor and we are just saying what reasonable management practices might be sufficient to ameliorate that impact to try to get back to where this property was when they took it on. That is the approach we have taken. If the Committee thinks that approach is wrong it should redirect staff. Ms. Murphy stated that she thinks that in order for the Committee to make a finding that there is a violation of the Deed of Easement, she thinks it needs to articulate clearly what the activity is. She thinks it's clear that flooding has been exacerbated. She thinks that is a point of fact, It is just what is the activity that violated the Deed of Easement by doing that? Ms. Payne stated that staff has been trying to resolve the matter so if the Committee just says a violation has occurred, then the separate question will be what do we do to try to bring the property back into conformance. Mr. Siegel stated but it is a separate question. Ms. Payne stated it absolutely is. When you look at the photograph you think that the removal of the woods or the brush or plants in that depressed area was contributing, and then from staff's understanding it filled in. Ms. Murphy stated right, the soil erosion created the flood control problem or exacerbated the flood control problem.

Mr. Siegel stated that these questions of berms, retention basins and replanting the ditch – none of that has a bearing on the first decision the Committee has to make. The first decision we have to make is that we have a violation of this section. Ms. Payne stated that our goal is always to resolve potential violations before we get to that point.

Chairman Fisher stated forget history and forget the situation we have right now. We have a property owner, there were changes made on the farm, changes made on the homeowner's property also. Both made changes or allowed for changes to occur. Brush was cleared, the depression was somehow affected, there were changes to the rows. The Township recognizes the problem, so everyone recognizes there is a problem. So by you saying the Deed of Easement, that starts a whole chain of events that will take place that is going to end up in a lot of courts. The farmer has a right to farm, the property owner has a right to live and have enjoyment of his property and you cannot just have any farmer do whatever they want and cause whatever happens to occur. In some respects he feels like staff should just wait a bit before we go running in. These people have to come to terms because they are going to end up with much more complicating factors based on us saying there is a violation of the Deed of Easement. Ms. Payne stated that is the question on the table. Chairman Fisher stated that he thinks frankly, people being in this room and hearing all of this understand that this can get really complicated. So the Township turns around and says we think we can do something and he feels that both affected property owners need to think about the things they can do. For instance,



changing the grass strips may not even do anything because you're not sure if it will take but before we dig in, because we can, maybe they need to reassess what, as parties involved, what could happen if they'd be a little less intractable in terms of what they're willing to do. Mr. Johnson stated it is pretty amazing that the Township would go so far as to design it and offer to pay for it. He felt the landowners should give it a try before, as the Secretary has said, we are forced into placing blame. Mr. Schafer stated that he has already signed the documents. They were signed a few years ago. Mr. Johnson stated that he has a lot of grass waterways on his farm and they mow them but you really don't have to, you can just let them go.

Chairman Fisher stated that he would like to say one thing and then you can decide whether you want a motion that says there is a violation of the deed of easement. He stated this is going to cost everyone some money, the Township, the grower and the homeowner. No one is getting out of it free and clear. Everyone has to do something. We are government and sometimes we have to do lots of things once we start on a course. So he is thinking that maybe you want to go back, think about it. In his mind nothing is going to happen today. This was a meeting for the Committee to talk to staff to give them direction on what it thinks should be done based on what they found and what we know and what we are not sure about. He would suggest that for today we heard everything and will leave it at that because we can clearly take an action. The Committee can say it thinks there is a violation and maybe it will be found that there was or maybe there wasn't. Then there will be Right to Farm and the farmer is going to want to say I have the right to do this and I should be able to farm, that is what I bought, a farm. If they are found in violation, they can't. Mr. Requa felt it would be premature to take action today and he would support these recommendations and to explore other options prior to that. Ms. Murphy felt there should be a timeframe because this has dragged on for three years. If it doesn't appear to have been resolved in say three months or whatever staff feels is appropriate, it should come back to the Committee.

It was moved by Ms. Murphy that the parties involved continue to pursue a resolution and that the SADC will reconvene the matter in three months -- if SADC staff feels that is appropriate timing to see what progress has been made, as it is in everyone's best interest and it could save a lot of further issues by going ahead with the plans that seem to have been drawn up with a lot of thought and resources by the Township.

Mr. Siegel stated if that is the motion we do not have the authority to direct people to do something. Chairman Fisher stated that he believes that Ms. Murphy's motion is to revisit the matter in three months. Ms. Payne stated that the motion would provide three months to give the parties an opportunity to see if they can resolve the matter. Staff will bring it

back at that time and report to the Committee on the status of where we are and decide what other action is warranted. Mr. Siegel stated that from his amateur perspective, it appears that the farmer planted his rows in the wrong direction when he set it up. The easement violation sounds to him that it is occurring and was preventable from a proper planting of the farm in the first place. He would like to find out if that is correct or not. He would like staff to report back on that. Ms. Murphy stated that isn't something she would want to add to her motion, but that is something that can be discussed in three months.

It was moved by Ms. Murphy to provide three months to provide the interested parties an opportunity to see if they can resolve the matter. SADC staff will bring the matter back at that time and report to the Committee on the status of the issue and decide what other action is warranted, if any. Mr. Requa seconded the motion and it was unanimously approved. (A copy of the September 24, 2015 Memorandum to the Committee is attached to and is a part of these minutes.)

2. Renewable Energy Requests

- a. Hancock, Tice and Crane LLC – Lower Alloways Creek Township, Salem County – Roof-Mounted Solar – Barn (Resolution FY2016R9(9))
- b. Hancock, Tice and Crane LLC – Lower Alloways Creek Township, Salem County – Ground-Mounted Solar – House (Resolution FY2016R9(10))

Mr. Roohr referred the Committee to two requests for installation of solar energy generation facilities, structures and equipment on a preserved farm, involving the Hancock, Tice and Crane, LLC farm, known as Block 8, Lots 1 and 2; Block 22, Lot 1; and Block 23, Lot 2, in Lower Alloways Creek Township, Salem County, comprising 337.86 acres. There are two resolutions but it is the same farm. The farm wants to do a roof-mounted system on one of the barns that would power the farm operation, which primarily consists of an aquaculture operation. The rated capacity of the roof-mounted system would be approximately 21,000 kWh's per year. The panels will be on the roof and the converter nailed to the wall. The only reason staff couldn't give this one administrative approval was because the meter is on the other barn so they need a 60-foot trench to connect the inverter to the other barn. Otherwise there is zero impact to the farm.

Mr. Roohr stated that the second request is for a ground-mounted system that would go on the corner of a field and would power the house. That is a 25,000 kWh per year system. The total occupied area – if you include the panels, the 20-foot buffer around the panels, which is our target of what we think could be mowed around and not farmed, the



trench and all the support posts – is 3,800 square feet. Again, it is pretty minimal altogether in that corner on the edge of that field in the hedgerow. The projects, at least the one on the barn, also qualified for and has funding allocated to it from one of the USDA Rural Energy programs. Staff recommendation for both requests is to approve them.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R9(9) finding that the Owner has complied with all provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises. The SADC approves the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 1,350 square feet of space located on the rooftop of a barn, having a rated capacity of 21,842 kWh's of energy as identified in Schedule A and as described further in said Resolution. The total electrical energy demand of the agricultural production facilities farm is 30,552 KWh's annually. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R9(9) is attached to and is a part of these minutes.)

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2016R9(10) finding that the Owner has complied with all provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises. The SADC approves the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,500 square feet of space located on the wooded edge of a field and having a rated capacity of 25,379 kWh's of energy as identified in Schedule A and as described further in said Resolution. The total electrical energy demand for the residence is 23,870 kWh's annually. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. The motion was unanimously approved. (A copy of Resolution FY2016R9(10) is attached to and is a part of these minutes.)

## **PUBLIC COMMENT**

None

## **TIME AND PLACE OF NEXT MEETING**

SADC Regular Meeting: Thursday, November 12, 2015, beginning at 9 a.m. Location: Health/Agriculture Building, First Floor Auditorium.

## **CLOSED SESSION**

At 1:11 p.m., Mr. Johnson moved the following resolution to go into Closed Session. The motion was seconded by Mr. Danser and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and attorney-client matters, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one-half hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

## **ACTION AS A RESULT OF CLOSED SESSION**

### **A. Real Estate Matters - Certification of Values**

It was moved by Mr. Danser and seconded by Mr. Siegel to approve the Certification of Values as discussed in Closed Session for the following applicants:

#### **County Planning Incentive Grant Program**

1. Konkus Farm, LLC, SADC # 14-0115-PG  
Block 7, Lot 14.03, Chester Township, Morris County, 24 Acres
2. Jennie and Carl Crouse, SADC # 21-0577-PG  
Block 14, Lot 36; Block 15, Lot 2; Block 16, Lot 4, Washington Township,  
Warren County, 112.05 Acres
3. Thomas Bartha, SADC # 21-0553-PG  
Block 15, Lot 1, White Township, Warren County  
Block 2, Lot 16, Oxford Township, Warren County  
41 Acres



4. Apple Mountain Recreation Inc., SADC # 21-0581-PG  
Block 16, Lot 23, White Township, Warren County, 65 Net Acres (Appraisal  
Order Checklist [AOC])

**Municipal Planning Incentive Grant Program**

1. Robert and Janet Cole, SADC # 10-0360-PG  
Block 67, Lot 12, Readington Township, Hunterdon County, 22 Acres
2. Constance Wright, SADC # 13-0449-PG  
Block 24, Lot 12, Upper Freehold Township, Monmouth County, 63 Gross/47  
Net Acres
3. John D. Thompson, Sr. Limited Partnership, SADC # 13-0448-PG  
Block 164; Lots 8.01, 15.01, 16; Block 168, Lot 38  
Howell Township, Monmouth County, 69 Net Acres (AOC)
4. Gordon J. Ostrum, Jr., SADC # 17-0144-PG  
Block 26, Lot 1.01, Pilesgrove Township, Salem County, 31 Acres (34 Gross)
5. Campbell Foundry Company, SADC # 21-0583-PG  
Block 5500, Lot 1100, Hope Township, Warren County, 170.25 Net Acres (AOC)
6. Croucher Property LLC, SADC # 21-0585-PG  
Block 1501, Lot 15, Blairstown Township, Warren County, 94 (net acres) to be  
preserved; Gross Acres 146

**Nonprofit Grant Program**

1. New Jersey Conservation Foundation/Timchal Farm, SADC # 17-0046-NP  
Block 15, Lot 2, Pilesgrove Township, Salem County, 76.42 Acres (Gross: 81.34)
2. New Jersey Conservation Foundation/Ziebarth Farm  
Block 41, Lot 1, Bedminster Township, Somerset County, 24 Acres
3. The Land Conservancy of New Jersey/John Ursin Farm (Bindon Farm)  
SADC # 18-0009-NP  
Block 13, Lots 7, 8; Bedminster Township, Somerset County, 75 Acres (81 Gross

Acres)

**Direct Easement Purchase Program**

1. Brenda and Michael Seery, SADC # 17-0282-DE  
Block 67, Lot 17; Block 68, Lot 2, Upper Pittsgrove Twp., Salem County  
107.80 Gross Acres/103 Net Acres
2. C. Glenn Myers, Gerald Myers, Marion Haag, SADC # 17-0285-DE  
Block 53, Lots 3, 3.01, Upper Pittsgrove Twp., Salem County, 110 Acres (SADC)

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of the Closed Session minutes.)

**B. Attorney/Client Matters**

Ms. Payne asked for a motion for staff to advance the litigation issues as discussed in Closed Session.

It was moved by Mr. Siegel and seconded by Mr. Danser to move forward with the litigation issues as discussed in Closed Session. The motion was unanimously approved.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

There being no further business, it was moved by Ms. Murphy and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 2:24 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director  
State Agriculture Development Committee

Attachments



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION FY2016R9(1)**

**Certification of Agricultural Mediation Program Mediator**

**September 24, 2015**

WHEREAS, the State Agriculture Development Committee (SADC) coordinates the New Jersey Agricultural Mediation Program to help farmers and others resolve agricultural disputes quickly, amicably, and in a cost-effective manner; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(a), persons interested in becoming certified agricultural mediators shall contact the SADC in writing; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(b), in order to be qualified as an agricultural mediator, each mediator shall be certified as having satisfied the requirements of a Committee-approved agricultural mediation training session, which shall be a minimum of 18 hours of core mediator knowledge and skills training, including role-play simulations of mediated disputes, as provided by the Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-18.3(c), the SADC shall certify each mediator who has satisfactorily completed these requirements; and

WHEREAS, Tara Kenyon has satisfied the requirements of N.J.A.C. 2:76-18.3(a) and (b), as he has contacted the SADC in writing to express his interests in becoming a certified agricultural mediator and has satisfactorily completed an 18-hour mediation training course offered by the New Jersey Office of Dispute Settlement;

WHEREAS, Ms. Kenyon's experience and background includes serving as the administrator of the Somerset County Agriculture Development Board (CADB) since 2006, in which capacity she has become knowledgeable in Right to Farm matters and agriculture in New Jersey; and

WHEREAS, because of Ms. Kenyon's role in Right to Farm Act matters in Somerset County as the administrator of the Somerset CADB, she shall not be the mediator in mediation cases involving Somerset County farms, so long as she is the Somerset CADB administrator;

NOW THEREFORE BE IT RESOLVED, the SADC certifies Tara Kenyon as an agricultural mediator pursuant to N.J.A.C. 2:76-18.3 et seq.; and

BE IT FURTHER RESOLVED, that Ms. Kenyon shall not mediate cases involving Somerset County farms, so long as she is the administrator of the Somerset CADB.

9-24-15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES



July 10, 2015

Mr. David Kimmel  
State Agriculture Development Committee  
Health/Agriculture Building  
John Fitch Plaza  
Market and Warren Streets – PO Box 330  
Trenton, NJ 08625-0330

RE: Request to be added to the SADC's Certified Mediators Roster

Dear Mr. Kimmel,

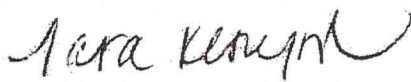
I am very interested in becoming a Certified Mediator for the State Agriculture Development Committee's Agricultural Mediation Program. As Administrator for the Somerset County Agriculture Development Board, I have become very knowledgeable in Right-to-Farm matters, and have developed a particular interest in the overall process of Right-to-Farm and Agricultural Mediation.

I completed the 18-hour Basic Mediation Training offered by the Office of the Public Defender (Office of Dispute Settlement) on July 7, 2015 – July 9, 2015. Enclosed you will find the confirmation of my attendance, as well as the Certificate of Completion.

I respectfully request that I be considered for addition to the SADC's Certified Mediator Roster. Please note that I would have to recuse myself from mediating cases in Somerset County as I have direct involvement with Right-to-Farm cases in Somerset County as the CADB Administrator.

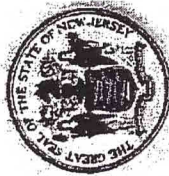
If you have any questions moving forward, or need more information from me, please contact me directly at [tarakenyon06@hotmail.com](mailto:tarakenyon06@hotmail.com) or (848) 203-1857. Thanks!

Sincerely,



Tara Kenyon

# State of New Jersey



## Office of Dispute Settlement

THIS CERTIFICATE IS AWARDED TO

**TARA KENYON**

For the satisfactory completion of 18 hour course in  
Basic Mediation Training

A handwritten signature in dark ink, appearing to read "Eric Max", written over a horizontal line.

Eric Max, Director  
Office of Dispute Settlement  
July 7-9, 2015





*State of New Jersey*  
**Office of the Public Defender**

Office of Dispute Settlement  
Richard J. Hughes Justice Complex  
25 Market Street 1<sup>st</sup> Floor North Wing  
P O Box 853  
Trenton, New Jersey 08625  
Tel: (609) 292-1773 Fax: (609) 292-6292

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Joseph E. Krakora  
Public Defender

June 11, 2015

**To:** Tara Kenyon  
**Email:** Kenyon@co.somerset.nj.us  
**From:** Wendy Godbolt  
Office of Dispute Settlement  
**Re:** Basic Mediation Training – July 7, 8 and 9<sup>th</sup> 2015

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This is to confirm that you are registered to attend the basic mediation training on Tuesday, July 9<sup>th</sup> through Thursday, July 9<sup>th</sup> 2015 from 9am - 4pm. The training will be held in the 4<sup>th</sup> Floor Conference Center, Room B-1 of the Richard J. Hughes Justice Complex, 25 Market Street, Trenton, New Jersey.

Parking is in the rear of the building to the right. Please be aware that identification is required upon entering the building.

Payment by check in the amount of \$500.00 must be made payable to "Treasurer, State of New Jersey" and mailed to the Office of Dispute Settlement, P.O. Box 853, Trenton, NJ 08625 – Attn: Wendy Godbolt.

Please feel free to contact me if you have any questions.

**Kimmel, David**

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**From:** Tara Kenyon <Kenyon@co.somerset.nj.us>  
**Sent:** Friday, July 10, 2015 9:54 AM  
**To:** Kimmel, David  
**Subject:** re: completion of Mediation Training  
**Attachments:** mediation\_certificate.pdf

**Importance:** High

Hi Dave,

I completed the 3-Day Mediation Training Course yesterday. Attached is my Certificate of Completion.

I wanted to let you know how much I learned and how much I really enjoyed it. Even if I was to never mediate a case, this training was very helpful for my current role as a CADB Administrator. I am planning on recommending this training to the other Administrators at our September meeting – the techniques learned can definitely be used in our daily Right-to-Farm dealings.

Please let me know what else you need from me to be added as a Right-to-Farm Mediator. Thanks!

***Tara Kenyon***

Principal Planner/Administrator – SCADB  
Somerset County Planning Division  
20 Grove Street  
Somerville, NJ 08876  
P: 908.231.7021  
F: 908.707.1749  
E: [Kenyon@co.somerset.nj.us](mailto:Kenyon@co.somerset.nj.us)

*Looking for more information on farmland preservation or the Somerset CADB? Check us out on the web at [www.co.somerset.nj.us/scadb](http://www.co.somerset.nj.us/scadb)*



# TARA KENYON

952 HARAN AVENUE, MANVILLE, NJ 08835

Phone: 848.203.1857 • Kenyon@co.somerset.nj.us •

## Objectives

To advance my career by using my expertise in land-use planning, planning technology, Board management and dynamics, agricultural and open space preservation, and legal matters involving many aspects of New Jersey Planning.

## Experience

**Principal Planner** • May 30, 2006 - Present

Somerset County Planning Division • Somerville, NJ

- o Serving as Section Head for the Environment and Utilities Committee of the Somerset County Planning Board – managing projects and people
- o Administration of the *Somerset County Farmland Preservation Program*, including closing on farmland preservation purchases from the application phase through the closing phase, assisting farmers in stewardship issues, making maps and performing parcel-specific and area-wide analysis with GIS software usage, resolving Right-to-Farm matters, preparing agenda and all meeting materials for Somerset County Agriculture Development Board (SCADB) every month, presenting all matters in need of review or action to the SCADB, responding to all inquiries from Board members, and working with County Counsel, municipal and non-profit Staff on a daily basis regarding matters related to agriculture
- o Review mediation of Right-to-Farm matters under the New Jersey Right-to-Farm Act (NJSA 4:1C), involving extensive research, review of legislation, site inspections, appearing in court matters, and interacting with attorneys at closings, court appearances, and Board meetings.
- o Created the Somerset County Agriculture Development Board webpage ([www.co.somerset.nj.us/scadb](http://www.co.somerset.nj.us/scadb)), which now serves as a valid tool for preserved farmers, municipal staff, and non-profit representatives
- o Previously administered the *County/Municipal Open Space Partnership Program*, which involved reviewing applications from Somerset County municipalities to preserve parcels for open space, performing site inspections, presenting staff recommendations to the Somerset County Open Space Advisory Committee and the Somerset County Board of Chosen Freeholders, and drafting contracts for the grant recipients.
- o Service as staff to the Somerset County Energy Council, which involves researching alternative energy technologies, implementing the Somerset County Energy Audit Program, monitoring and reporting on all new energy legislation, and attending all meetings of the Somerset County Energy Council.
- o Currently assisting in the completion of the Somerset County Strategic Plan
- o Currently working on the update of the Somerset County Natural and Cultural Resource Inventory, which involves writing text, reviewing maps and data, compiling Best Management Practices and organizing a new webpage.



**Assistant Watershed Protection Specialist** ▪ December 2004 – May 2006  
New Jersey Water Supply Authority ▪ Somerville, NJ

- Assisted in the administration of the Municipal Assessment Program, which involved researching a Township's land use ordinances and providing input on where these ordinances could be tweaked to be more environmentally- friendly. The Municipal Assessments also identified planning goals in the community for future development, conservation and preservation.
- Created a web-based guidance system for interpreting the Water Quality Management Rules and implementing the required County Wastewater Management Plan. Staff from Somerset County Planning Division reviewed this guidance system in the early stages of creating the *Somerset County Wastewater Management Plan*, which is still underway.

### **Education**

Rutgers University

2003 ▪ **B.S., Environmental Planning and Design**

Edward J. Bloustein School of Planning and Public Policy – Rutgers University

2003 ▪ **Certificate – Urban Design and Site Planning**

### **Professional Certifications**

**NJ Professional Planners License** – passed exam on May 15, 2014

**American Institute of Certified Planners** –exam scheduled for May 2015

### **Honors**

- Somerset County *Employee of the Month* – July 2007
- Nominated for District Manager of Somerset-Union Soil Conservation District (December 2010)
- Somerset County *Team Recognition Award* for County Pink-Out – November 2013
- Nominated for the *Distinguished Service Award* through the New Jersey Department of Agriculture – November 2013
- Somerset County *Special Recognition Award* for National Agriculture Day planning and events – May 2014

### **Affiliations**

- North Jersey Resource Conservation and Development Council: Voting Member (2006 – 2014)
- Manville Board of Health: Voting Member (2008 – 2009)
- Somerset County Employee Recognition Committee: Co-Chair (December 2010 – Present)
- Winter Advisory Committee – Somerset County Vo-Tech's School of Agricultural Sciences: Voting Member (January 2014 – Present)
- Voting Member – Somerset County Board of Agriculture (July 2014 – Present)

### **Community Service**

- Organizes the Annual County-wide "Pink Out" involving the collection of comfort items for chemotherapy patients at Steeplechase Cancer Center, Bridgewater. These items were then assembled into care packages and hand-delivered to the Cancer Center. Most of the Somerset County Board of Chosen Freeholders were in attendance, along with employees from various departments. This effort involved managing many people, as well as every aspect of the project as a whole.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(2)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

MERCER COUNTY  
for the  
PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Mercer County ("Owners")  
Mercer County/PRL Farm  
Hamilton Township, Mercer County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 11-0175-PG

September 24, 2015

WHEREAS, on December 15, 2007 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Mercer County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Mercer County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on August 7, 2014 the SADC received an application for the sale of a development easement from Mercer County for the subject farm identified as a Block 2739, Lot 3.01, Hamilton Township, Mercer County, totaling approximately 149 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Mercer County's Hamilton Project Area; and

WHEREAS, the Property includes one (1), approximately 1-acre non-severable exception area limited to zero (0) residential opportunities, resulting in approximately 148 net acres to be preserved; and

WHEREAS, the portion of the Property to be preserved outside of the exception area includes zero (0) residential opportunities, zero; (0) residual dwelling site opportunities; zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in soybean and corn production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 74.88 which exceeds 49, which is 70% of the County's average quality score as determined by the SADC July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on April 6, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, at the time of application to the SADC, it was determined that there was an existing wetlands conservation easement, created in 1999, which was later determined via a Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (DEP) to be inaccurate ; and

WHEREAS, a condition of the Green Light approval was that Hamilton Township grant a "Release of Wetlands Conservation Easement" on the Property and have it recorded in the Mercer County Clerk's Office; and

WHEREAS, on August 18, 2015 Hamilton Township passed Ordinance 15-035 authorizing the release of a Wetlands Conservation Easement for the property with recording of the document at the Clerk's Office pending; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 28, 2015 the SADC certified a development easement value of \$13,000 per acre based on zoning and environmental regulations in place as of 10/1/14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the County accepted the certified value of \$13,000 per acre for the development easement; and

WHEREAS, on December 18, 2014 the County of Mercer acquired the Mercer County/PRL property, in fee simple title, for \$2,503,369.00 (\$16,844.55 per acre); and

WHEREAS, N.J.A.C. 2:76-6.23(b) provides that when a government entity has acquired fee simple title to a property, and has not yet resold the property with deed restrictions at the time the Committee provides its cost share grant, the Committee shall base the amount of its grant on either the development easement value determined pursuant to N.J.A.C. 2:76-10 and certified by the Committee (\$13,000) or the purchase price of the property paid by the County minus the SADC certified "after value" of the restricted property, (\$16,844.55 - \$4,400= \$12,444.55), whichever is less; and

WHEREAS, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than the SADC certified after value of \$4,400 per acre, (the SADC certified after value), the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on August 14, 2014 the Board of Chosen Freeholders of the County of Mercer passed a resolution granting approval for the acquisition of the PRL Farm and execution of any other documents which are found to be necessary including those associated with cost-share funding by the State Agriculture Development Committee; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 1, 2015 the Mercer CADB passed a resolution requesting SADC final approval for a development easement cost share grant application for the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on June 16, 2015 the Hamilton Township Council approved the Owner's application for the sale of a development easement, but is not participating financially in the easement purchase; and

WHEREAS, on July 24, 2015 the County submitted this application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, the County has requested to encumber an additional 3% buffer above the estimated net acreage to be preserved for possible final surveyed acreage, therefore, 152.44 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 152.44 net easement acres); and

SADC (60%)	\$ 1,138,228.32	(\$ 7,466.73/acre)
Mercer County (40%)	\$ 758,818.88	(\$ 4,977.82/acre)
Total reimbursement	\$ 1,897,047.20	(\$12,444.55/acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Mercer County Agriculture Development Board is requesting \$1,138,228.32 from base grant funding, which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Mercer County for the purchase of a development easement on the Property, comprising approximately 152.44 net easement acres, at a State cost share of \$7,466.73 per acre, (60% of calculated development easement value of \$12,444.45 per acre), for a total grant need of \$1,138,228.32 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 1-acre non-severable exception area limited to zero (0) housing opportunities; and

BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes zero (0) residential opportunities; zero (0) residual dwelling site opportunities; zero (0) agricultural labor units, and no pre-existing non-agricultural uses on the portion of the Property to be preserved outside of the exception area; and

BE IT FURTHER RESOLVED, that this final approval is conditioned on Hamilton Township recording Ordinance 15-035 authorizing the release of a Wetlands Easement, with the Mercer County Clerk's Office prior to closing; and

BE IT FURTHER RESOLVED, that if additional base grant funds are needed due to an increase in acreage and available the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, in accordance with N.J.A.C. 2:76-6.23(b)(1) the grant agreement between the County and the Committee shall provide if the County sells the restricted Premises for more than \$4,400 per acre, the County shall reimburse the Committee any funds previously paid by the Committee for the development easement on a pro rata basis up to the amount of the SADC cost share grant; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

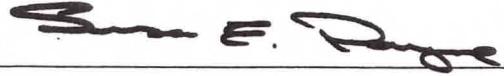
BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.



9-24-15

Date

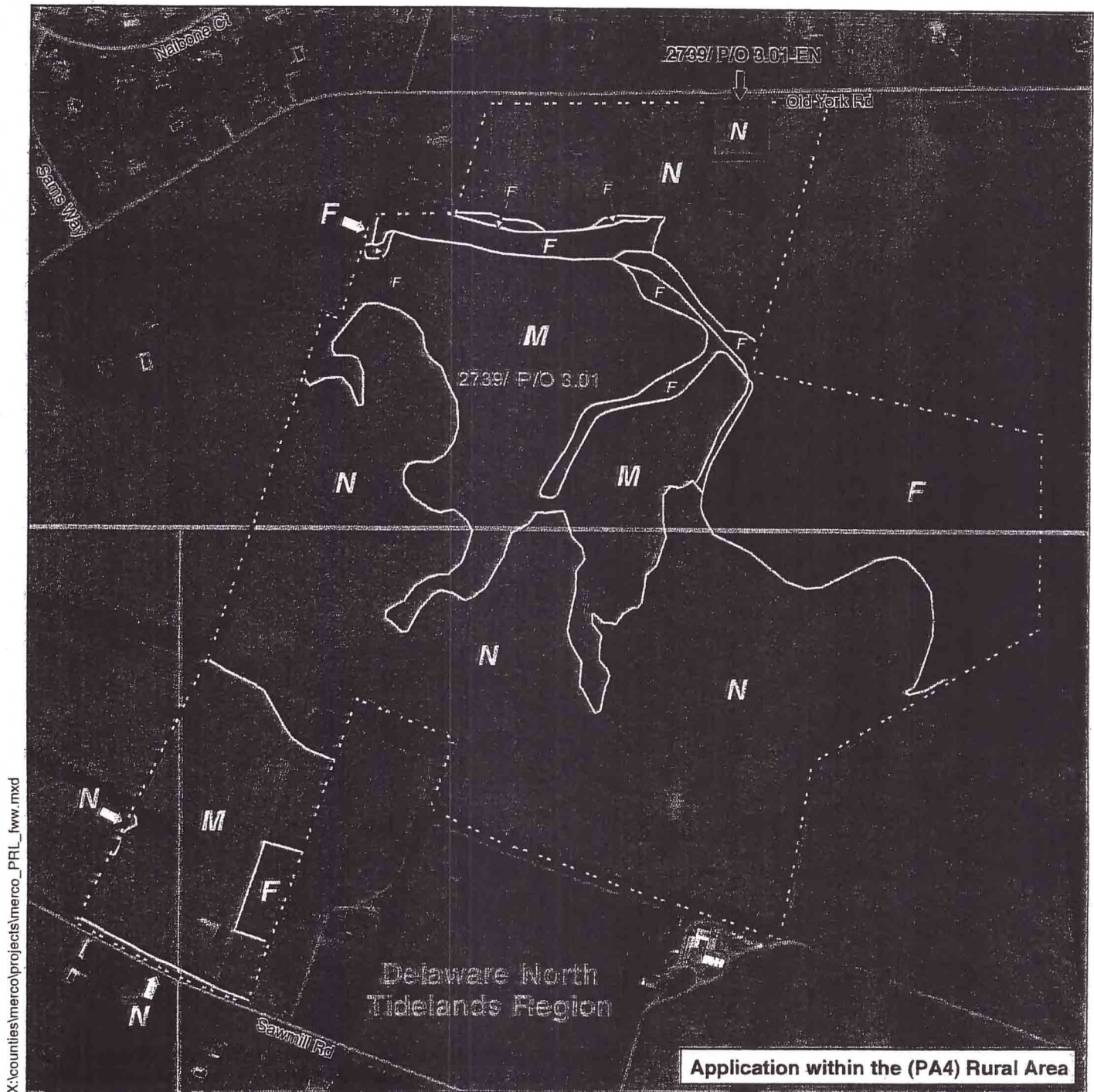


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES

# Schedule A



X:\counties\merco\projects\merco\_PRL\_fw.mxd

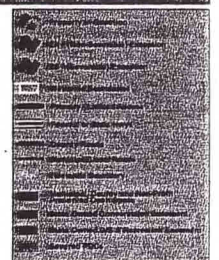
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Mercer County/ Princeton Research Lands (PRL)  
Block 2739 Lots P/O 3.01 (150.2 ac)  
& P/O 3.01EN (non-severable exception - 1.0 ac)  
Gross Total = 151.2 ac  
Hamilton Twp., Mercer County

500 250 0 500 1,000 Feet

**TIDELANDS DISCLAIMER:**  
The linear features depicted on this map were derived from the NJDEP's CD ROM series 1, volume 4, "Tidelands Claims Maps". These linear features are not an official NJDEP determination and should only be used as a general reference. Only NJDEP, Bureau of Tidelands Management can perform an official determination of Tidelands/Riparian claims.

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

August 7, 2014



X:\counties\merco\projects\merco\_PRL\_2mile.mxd



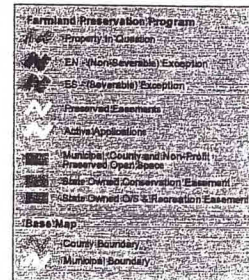
**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

Mercer County/ Princeton Research Lands (PRL)  
Block 2739 Lots P/O 3.01 (150.2 ac)  
& P/O 3.01-EN (non-severable exception - 1.0 ac)  
Gross Total = 151.2 ac  
Hamilton Twp., Mercer County

2,000 1,000 0 2,000 4,000 6,000 Feet

**NOTE:**

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

August 6, 2014



## Schedule B

Mercer County

[illegible]



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Mercer County/PRL  
11- 0175-PG  
County PIG Program  
148 Acres

Block 2739	Lot 3.01	Hamilton Twp.	Mercer County
<b>SOILS:</b>		Other	13% * 0 = .00
		Prime	26% * .15 = 3.90
		Statewide	61% * .1 = 6.10
			<b>SOIL SCORE: 10.00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	78% * .15 = 11.70
		Wetlands	18% * 0 = .00
		Woodlands	4% * 0 = .00
			<b>TILLABLE SOILS SCORE: 11.70</b>
<b>FARM USE:</b>	Soybeans-Cash Grain	acres	

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for future farmstand  
Exception is not to be severed from Premises  
Exception is to be limited to zero existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions:

The grant agreement between the City and SADC provides that if the County sells the restricted Premises for more than \$4,400 per acre, the Cnty shall reimburse the SADC any funds previously paid by the SADC for the development easement on a pro rata basis up to the amount of the cost share grant.

Ordinance 15-035 authorizing release of a Wetlands Conservation Easement must be recorded in the Mercer County Clerk's Office prior to closing.
  - e. Dwelling Units on Premises:

No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(7)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

WARREN COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
RLL Enterprises Inc. ("Owners")  
Franklin Township, Warren County

N.J.A.C. 2:76-17 et seq.  
SADC ID# SADC ID# 21-0572-PG

SEPTEMBER 24, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Warren County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Warren County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on September 18, 2014 the SADC received an application for the sale of a development easement from Warren County for the subject farm identified as Block 51, Lot 4, Franklin Township, Warren County, totaling approximately 50.1 gross acres hereinafter referred to as "the Property" (Schedule A); and

---

WHEREAS, the Property is located in Warren County's Southeast Project Area and the Highlands Planning Area; and

WHEREAS, at the time of application and certification the Property included one (1) approximately 1-acre non-severable exception area limited to one, future single family residential unit resulting in approximately 49.4 net acres to be preserved; and

WHEREAS, subsequently the landowners requested to enlarge and relocate their exception area; and

WHEREAS, the independent appraisers and SADC review appraiser have agreed that this change does not impact their original appraisals or the SADC certified development easement value; and

WHEREAS, the Property includes one (1) approximately 2.5-acre non-severable exception area, limited to one (1), future single family residential unit and resulting in approximately 47.6 net acres to be preserved; and

WHEREAS, the portion of the Property outside the exception area includes: zero (0) residential opportunities; zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in hay production; and

WHEREAS, the Owner(s) has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 70.61 which exceeds 41, which is 70% of the County's average quality score as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 3, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on April 24, 2015 the SADC certified a development easement value of \$7,600 per acre based on zoning and environmental regulations in place as of 1/1/04 and \$7,600 per acre based on zoning and environmental regulations in place as of the current valuation date June 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the County's offer of \$7,600 per acre for the development easement for the Property; and

WHEREAS, on June 18, 2015 the County submitted this application to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 6, 2015 the Franklin Township Committee approved the Owner's application for the sale of development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 18, 2015 the Warren CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on June 24, 2015, the Board of Chosen Freeholders of the County of Warren passed a resolution granting final approval and a commitment of funding for \$2,900 per acre to cover the local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer for possible final surveyed acreage increases, therefore, 49.03 acres will be utilized to calculate the grant need; and



WHEREAS, the estimated cost share breakdown is as follows (based on 49.03 acres); and

SADC	\$230,441.00 (\$4,700/ acre)
County	\$142,187.00 (\$2,900/ acre)
Total Easement Purchase	\$372,628.00 (\$7,600/ acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d) (f), if there are insufficient funds available in a county's base grant, the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Warren County Agriculture Development Board is requesting \$230,441.00 in competitive grant funding which is available at this time (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Warren County for the purchase of a development easement on the Property, comprising approximately 49.03 net easement acres, at a State cost share of \$4,700 per acre, (61.84% of certified easement value and purchase price), for a total grant need of \$230,441.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 2.5-acre non-severable exception area for and limited to one (1) future single family residence; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes zero (0) residential opportunities, zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15

Date



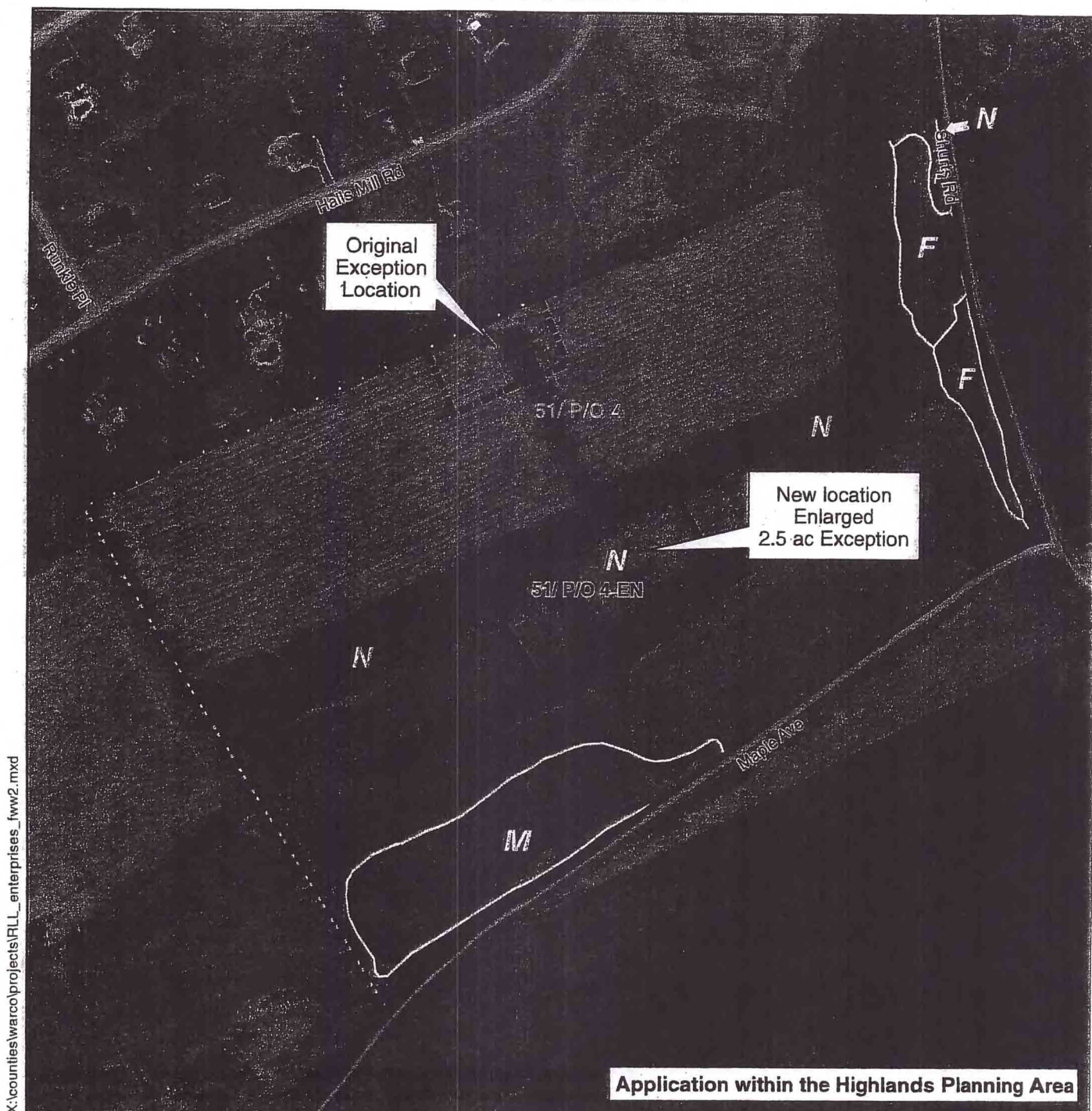
Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES



# Schedule A



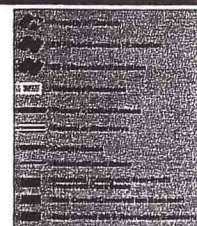
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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

RLL Enterprises, Inc./Bob and Anna Mae Leyburn  
Block 51 Lots P/O 4 (47.6 ac)  
& P/O 4-EN (non-severable exception - 2.5 ac)  
Gross Total = 50.1 ac  
Franklin Twp., Warren County

500 250 0 500 1,000 Feet

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

August 15, 2015

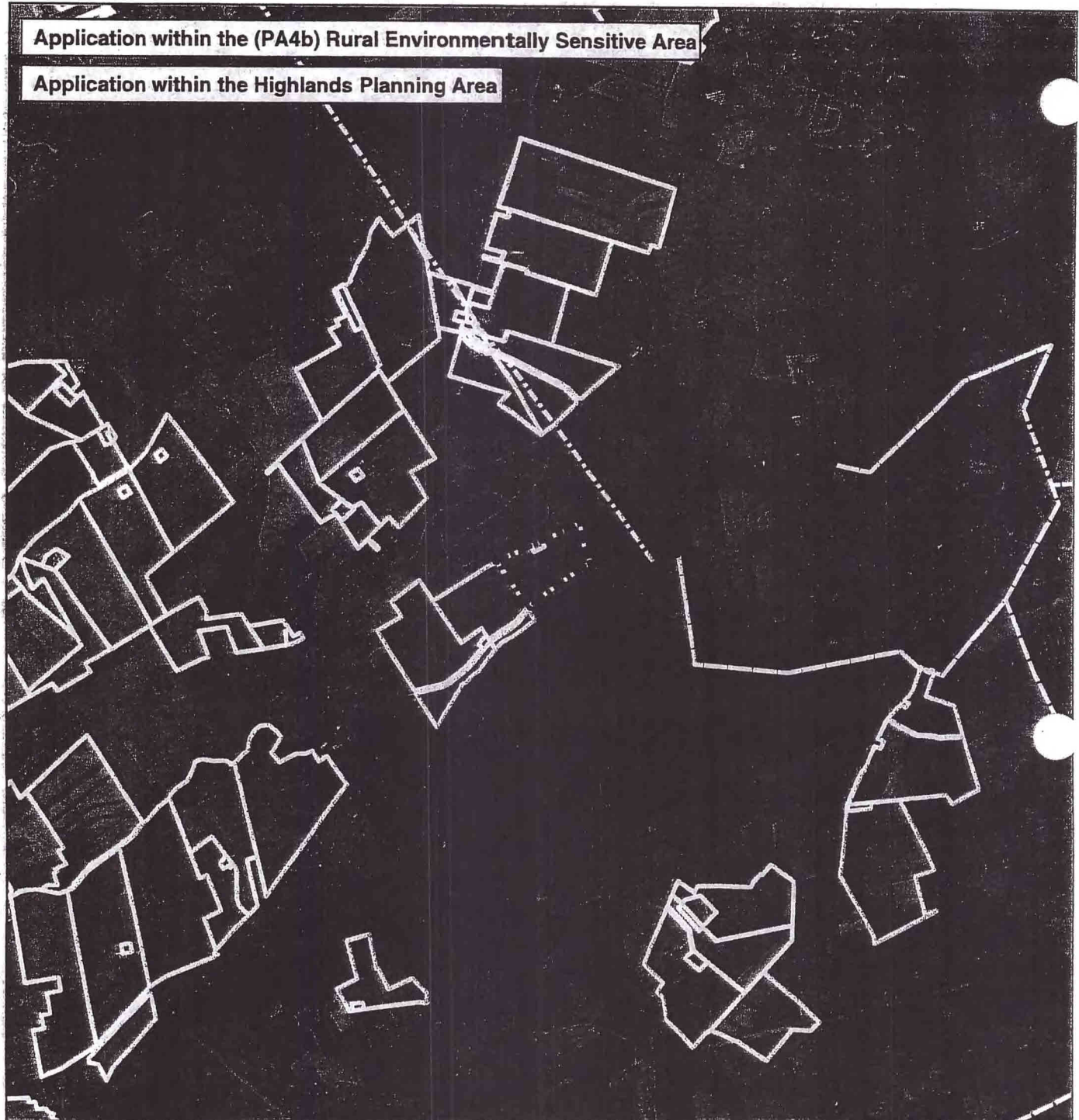


# Preserved Farms and Active Applications Within Two Miles

Application within the (PA4b) Rural Environmentally Sensitive Area

Application within the Highlands Planning Area

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

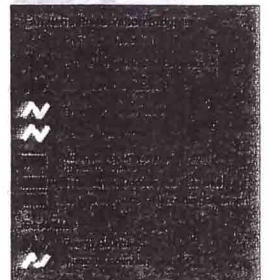
RLL Enterprises, Inc./Bob and Anna Mae Leyburn  
Block 51 Lots P/O 4 (47.6 ac)  
& P/O 4-EN (non-severable exception - 2.5 ac)  
Gross Total = 50.1 ac  
Franklin Twp., Warren County

2,000 1,000 0 2,000 4,000 6,000 Feet



### NOTE:

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors



Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJOT/OGIS 2012 Digital Aerial Image

August 19, 2015



## Warren County

Sehndale B.

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

RLL Enterprises Inc. (Leyburn)  
21- 0572-PG  
County PIG Program  
48 Acres

Block 51	Lot 4	Franklin Twp.	Warren County
<b>SOILS:</b>		Prime	61% * .15 = 9.15
		Statewide	39% * .1 = 3.90
			<b>SOIL SCORE: 13.05</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	70% * .15 = 10.50
		Wetlands	3% * 0 = .00
		Woodlands	27% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.50</b>
<b>FARM USE:</b>	Hay		35 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (2.5) acres for Future residence  
Exception is not to be severed from Premises  
Exception is to be limited to one future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(8)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

SOMERSET COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Lana Lobell LLC ("Owners")

Bedminster Township, Somerset County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 18-0213-PG

SEPTEMBER 24, 2015

WHEREAS, on December 15, 2008 the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Somerset County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Somerset County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on December 27, 2014 the SADC received an application for the sale of a development easement from Bedminster Township in the Municipal Planning Incentive Grant Program for the subject farm identified as Block 44, Lots 2.01 and 2.02, Bedminster Township, Somerset County, totaling approximately 172.6772 gross survey acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is located in Bedminster Township's Project Area and the County's Upper Raritan West Project Area and is in the Highlands Planning Area; and

WHEREAS, a parcel application was submitted by the New Jersey Conservation Foundation (NJCF) to the FY2014 United States Department of Agriculture, Natural Resources Conservation Service (NRCS), Agriculture Conservation Easement Program (ACEP) for an Agricultural Land Easement (ALE) grant; and

WHEREAS, the NRCS has determined that the Property and Landowner qualified for ALE grant funds; and

WHEREAS, the Property includes the following exception areas, resulting in approximately 122.9686 net acres to be preserved:

Two Non-severable exceptions on lot 2.01:

- One (1), approximately 3.57-acre non-severable exception area with 1 existing single family residential unit and limited to 2 residential units.
- One (1), approximately 1.43-acre non-severable exception area limited to 2 existing residential apartments located inside existing barns.

One 44.7086 acre severable exception (entire lot 2.02):

Both lots 2.01 and 2.02 were the subject of subdivision approvals that were not perfected prior to application; therefore, in order for the appraisals to consider the subdivision it was necessary for both lots to be included in the application.

- As a condition of the SADC certification of an easement value and this final approval the entire lot shall be deed restricted for agricultural use and production, by a Deed of Easement to be held by the County that meets the requirements of the SADC and NRCS.
- There is one (1) approximately 2.57-acre non-severable exception area for a future residential unit.
- There is one existing single family residential unit on the lot 2.02 outside of the exception area.
- The entire lot, including exception area are, is limited to 2 residential units.
- Lot 2.02 will have a 4% impervious coverage restriction (approximately 1.69 acres) for the construction of agricultural infrastructure on the portion of the lot outside of the exception area, which is the maximum allowable impervious cover under the ALE program at this time; and

WHEREAS, the portion of the Property outside the exception areas includes the following:

- Two (2) Duplex residential units.
  - The northern duplex may be replaced by a single family residential unit or duplex and is limited to its existing (+/-1,500 sq.') square footage of heated living space.
  - The southern (1) duplex may be replaced by a single family residential unit or duplex and is limited to 5,000 square feet of heated living space.
- One (1) 4-unit residential apartment unit.
  - The 4-unit residential apartment unit may be replaced by one single family residential unit or other residential structure of no more than 4-units and limited to 3,000 square feet of heated living space.
- Zero (0) residential buildings used for agricultural labor purposes.
- No (0) pre-existing non-agricultural uses; and



WHEREAS, the landowner has agreed to the additional restrictions associated with the ALE Grant, including a 3.67% maximum impervious coverage restriction (approximately 4.51 acres) for the construction of agricultural infrastructure on the Property outside of exception areas, which is the maximum impervious coverage allowable for the Property under the ALE program; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docs or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, at the time of application the Property was in equine and hay production; and

WHEREAS, the Property is currently in equine production with approximately 117 acres utilized for pasturing and hay production (Schedule B); and

WHEREAS, approximately 1.6 acres, is devoted to equine service (boarding services, riding lessons, training) outside the exception areas; and

WHEREAS, the equine map (Schedule B) and specialized "*Equine Schedule B*" (Schedule C) will be recorded with the Deed of Easement; and

WHEREAS, the Owner(s) has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 80.23 which exceeds 39, which is 70% of the County's average quality score as determined by the SADC on July 24, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.9(b) on June 10, 2015 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17A.9(a); and

WHEREAS, pursuant to N.J.A.C. 2:76-17A.11, on June 25, 2015 the SADC certified a development easement value of \$34,000 per acre based on January 1, 2004 zoning and environmental regulations and \$34,000 per acre based on current zoning and environmental regulations in place as of March 2015; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted the Township's offer of \$35,500 per acre for the development easement on the Property, which is higher than the SADC certified value, but equal to the highest appraisal submitted for certification; and

WHEREAS, the ALE grant will be based on the approved federal appraisal current easement value of \$36,364 per acre equating to an ALE grant of \$18,182 per acre (50% of \$36,364) or approximately \$2,235,815.08 in total ALE funds; and

WHEREAS, the SADC has determined that the encumbrance of competitive grant funds associated with the acquisition of development easements that ultimately may be purchased, in part, with ALE funds does not have an immediate adverse impact on another county's access to competitive funds, but if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on an affected Property; and

WHEREAS, should alternate funding become available from other ALE funding years or through other qualified entities such as the SADC, a Non-Profit organization or County it may be utilized if such funding benefits the easement acquisition and/or the successful use of ALE funding; and

WHEREAS, the use of ALE funding is conditioned upon the satisfactory resolution of any changes to the Deed of Easement language in cooperation with the NRCS, prompted by ACEP and FY14 Farm Bill; and

WHEREAS, on August 3, 2015 the County submitted its request to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 20, 2015 the Bedminster Township Committee approved the Owner's application for the sale of development easement and anticipates covering its funding commitment of \$8,300 per acre with a portion of the ALE grant; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 31, 2015 the Somerset County Agriculture Development Board passed a resolution granting final approval for funding based on the SADC certified value of the Property (\$34,000); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 28, 2015, the Board of Chosen Freeholders of the County of Somerset passed a resolution granting final approval and anticipates covering its funding commitment of \$6,800 per acre with a portion of the ALE grant; and

WHEREAS, the estimated cost share breakdown is as follows (based on 122.9686 acres); and

SADC	\$2,508,559.44 (\$20,400/ ac based on CMV and 57.46% purchase price)
Somerset County	\$ 836,186.48 (\$ 6,800/ ac based on CMV and 19.15% purchase price)
Bedminster Twp.	<u>\$1,020,639.38 (\$ 8,300/ ac based on \$35,500 and 23.38% purchase price)</u>
Total	\$4,365,385.30 (\$ 35,500/ acre)



Estimated Cost share breakdown if the \$2,235,815.08 (\$18,182 / acre) ALE Grant is finalized and applied:

	<u>Total</u>	<u>ALE \$</u>	<u>New Cost Share</u>
SADC	\$2,508,559.44	\$ 378,989.22	\$2,129,570.22
Somerset County	\$836,186.48	\$ 836,186.48	\$0
Bedminster Township	<u>\$1,020,639.38</u>	<u>\$1,020,639.38</u>	\$0
<u>ALE Grant</u>			\$2,235,815.08 (\$18,182 / acre)
TOTAL	\$4,365,385.30		\$4,365,385.30 (\$ 35,500 / acre)

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d), if there are insufficient funds available in a county's base grant, the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the Somerset County Agriculture Development Board is requesting \$1,060,918.60 in base grant and \$1,447,640.84 competitive grant funding which is available at this time (Schedule D); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Somerset County for the purchase of a development easement on the Property, comprising approximately 122.9686 net easement acres, at a State cost share of \$20,400 per acre, (60% of certified easement value and .57.46% of the purchase price), for a total grant need of \$2,508,559.44 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule E); and

BE IT FURTHER RESOLVED, the Property includes the following exception areas, resulting in approximately 122.9686 net acres to be preserved:

Two Non-severable exceptions on lot 2.01:

- One (1), approximately 3.57-acre non-severable exception with 1 existing single family residential unit and limited to 2 residential units.
- One (1), approximately 1.43-acre non-severable exception area limited to 2 existing residential apartments located inside existing barns.

One 44.7086 acres severable exception (entire lot 2.02):

- As a condition of the SADC certification of an easement value and this final approval the entire lot shall be deed restricted for agricultural use and production, by a Deed of Easement to be held by the County that meets the requirements of the SADC and NRCS.

- There is one (1), approximately 2.57-acre non-severable exception area for a future residential unit.
- There is one existing single family residential unit on the lot 2.02 outside of the exception area.
- The entire lot, including the exception area, is limited to 2 residential units.
- Lot 2.02 will have a 4% impervious coverage restriction (approximately 1.69 acres) for the construction of agricultural infrastructure on the portion of the lot outside of the exception area, which is the maximum allowable impervious cover under the ALE program at this time; and

BE IT FURTHER RESOLVED, the portion of the Property outside the exception area includes the following:

- Two (2) Duplex residential units.
  - The northern duplex may be replaced by a single family residential unit or duplex and is limited to its existing (+/-1,500 sq.') square footage of heated living space; and
  - The southern (1) duplex may be replaced by a single family residential unit or duplex and is limited to 5,000 square feet of heated living space; and
- One (1) 4-unit residential apartment unit.
  - The 4-unit residential apartment unit may be replaced by one single family residential unit or other residential structure of no more than 4-units and limited to 3,000 square feet of heated living space
- Zero (0) residential buildings used for agricultural labor purposes.
- No (0) pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if ALE funding is secured and approved for use by the SADC, said funding will first be used to reduce the county cost share and then, with the remaining funds, reduce the SADC's cost share; and

BE IT FURTHER RESOLVED, if a closing is unreasonably delayed for any reason, including securing the use of ALE funds, the SADC retains the right to rescind its Final Approval of encumbered competitive grant funds equal to the amount of the anticipated ALE grant for the acquisition of a development easement on the Property; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that if unencumbered base grant funds become available subsequent to this final approval and prior to executing the grant agreement, the SADC shall utilize those funds before utilizing competitive funding; and



BE IT FURTHER RESOLVED, should additional funds be needed due to an increase in acreage and if base grant funding becomes available the grant may be adjusted to utilize unencumbered base grant funds; and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the area of the Property to be preserved outside of any exception areas, adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15

Date

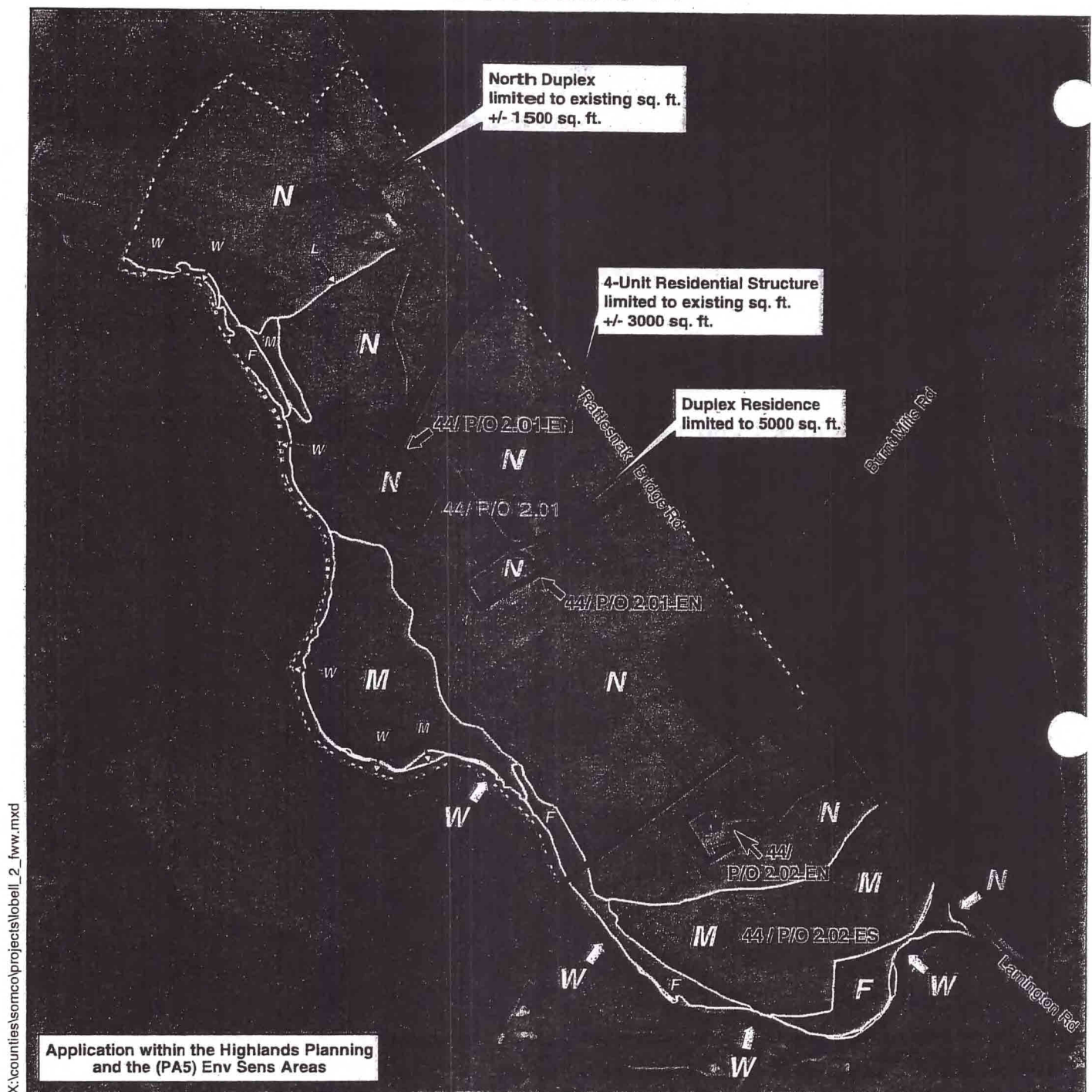


Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES

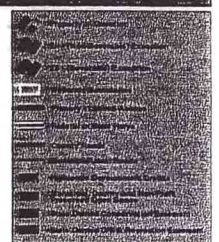
# Schedule A



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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lobell LLC  
Block 44 P/O Lot 2.01 (118.7 ac), P/O Lot 2.01-EN (non-severable exceptions – 5.32 ac)  
P/O Lot 2.02-ES (severable exception – 39.56 ac)  
Gross Total – 163.58 ac  
Bedminster Twp. Somerset County



**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



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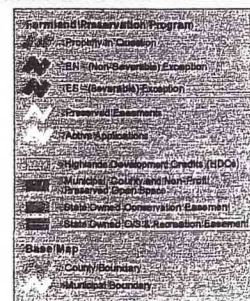


# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Lobell LLC  
 Block 44 Lots 2.02-ES (severable exception - 39.6 ac); P/O 2.01 (118.7 ac);  
 & 2.01-EN (non-severable exceptions - 1.7 & 3.6 ac)  
 Gross Total = 163.6 ac  
 Bedminster Twp., Somerset County



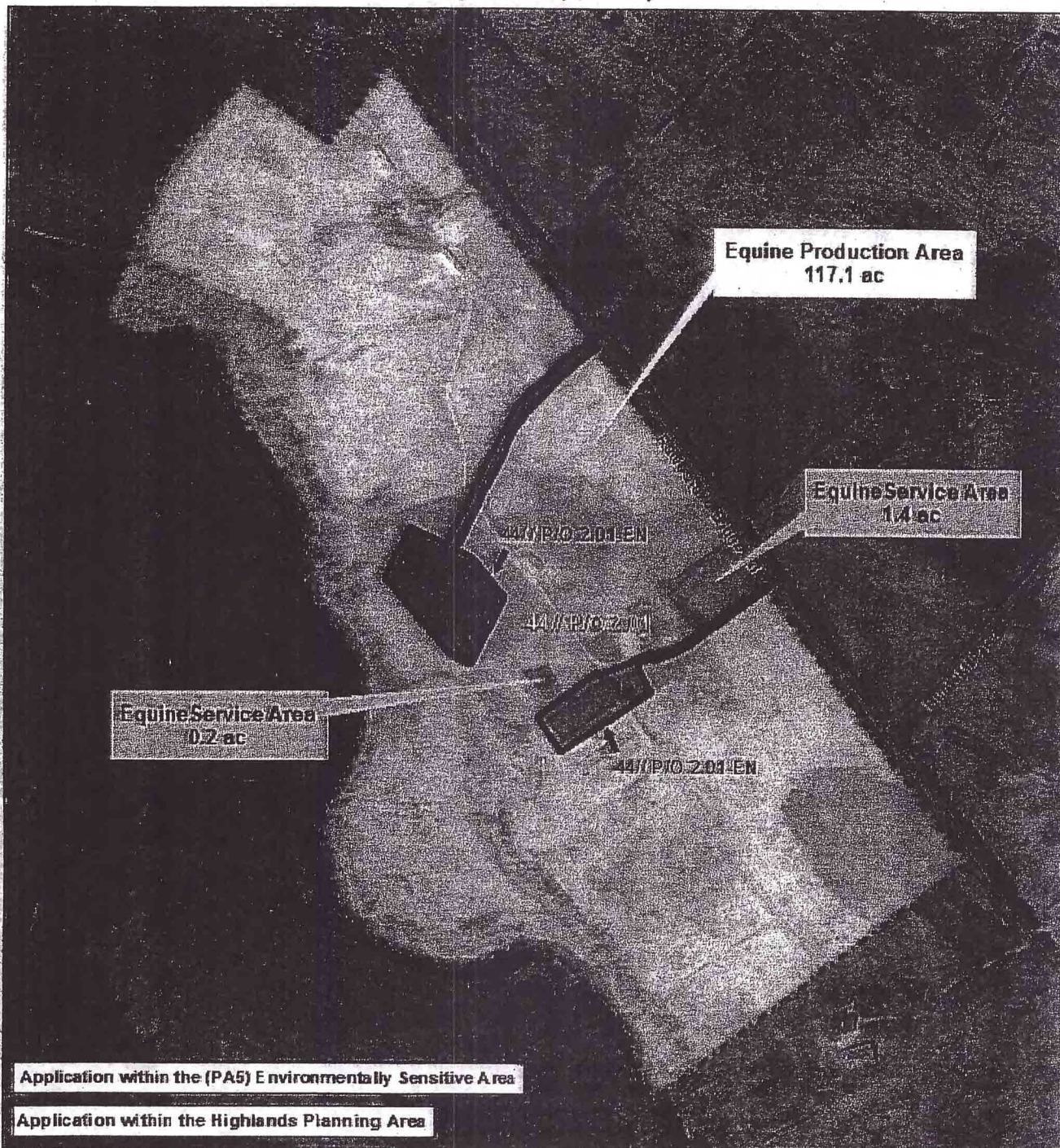
**NOTE:**  
 The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors



**Sources:**  
 NJ Farmland Preservation Program  
 Green Acres Conservation Easement Data  
 NJ Pinelands Commission PDC Data  
 NJDOT/OGIS 2012 Digital Aerial Image



# Lobell Farm (North) - Equine Areas



X:\bounce\source\project\lobell\_north\_equine.mxd

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Lobell North  
Block 44 P/O Lot 2.01 (118.7 ac)  
& P/O Lot 2.01-EN (non-severable exceptions – 5.32 ac)  
Gross Total = 124.02 ac  
Bedminster Twp., Somerset County

500 250 0 500 1,000 Feet

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geographic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical control points would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



	Property in Question
	Non-Severable Exception
	Severable Exception
	Equine Production - 117.1 ac
	Equine Service Area - 1.4 ac

Sources:  
NJDOT Road Data  
NJDOT GIS 2012 Digital Aerial Image

May 20, 2015



## SCHEDULE B

Grantor certifies that at the time of the application to sell the development easement to the Grantee no non-agricultural uses existed. Grantor further certifies that at the time of the execution of this Deed of Easement no non-agricultural uses exist.

Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement the following uses occur on the Premises:

Horseback riding lessons, boarding, training and schooling horses, in an arena and stalls, as depicted on the survey dated \_\_\_\_\_, prepared by \_\_\_\_\_.

Grantor further certifies that the above uses (hereinafter "equine service activities") are currently ancillary to equine-related production, including pasturing, horse breeding and hay production. "Ancillary" means that the area of land on which equine service activities are conducted is subordinate, secondary and auxiliary in comparison to the area of the farm devoted to equine production activities. Grantor understands and agrees that because the equine service activities are ancillary to equine-related production, the said equine service activities are deemed agricultural uses and are not currently subject to the restrictions placed on non-agricultural uses in Paragraphs 3 and 4 of the Deed of Easement. The areas occupied by equine service activities and equine production activities are depicted on the attached aerial photograph identified as Schedule B1.

Grantor also understands and agrees that if, in the future, equine service activities are no longer "ancillary" as defined above, then the equine service activities will be deemed non-agricultural and will be subject to the restrictions contained in Paragraphs 3 and 4 of the Deed of Easement.

S:\EQUINE\SCHEDULE B - service ancillary updated 6.12.12 FINAL plus aerial language.doc

## Somerset County

September 24, 2015



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Lana Lobell LLC (J & K Kroeger, sole members)  
18- 0213-PG  
County PIG Program  
123 Acres

Block 44	Lot 2.01	Bedminster Twp.	Somerset County
Block 44	Lot 2.02	Bedminster Twp.	Somerset County

SOILS:	Local	27% *	.05	=	1.35
	Other	10% *	0	=	.00
	Prime	40% *	.15	=	6.00
	Statewide	23% *	.1	=	2.30

SOIL SCORE: 9.65

TILLABLE SOILS:	Cropland Pastured	25% *	.15	=	3.75
	Cropland Harvested	60% *	.15	=	9.00
	Other	7% *	0	=	.00
	Wetlands	5% *	0	=	.00
	Woodlands	3% *	0	=	.00

TILLABLE SOILS SCORE: 12.75

FARM USE:	Horse & Other Equine	30 acres
	Hay	67 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st (3.57) acres for Existing SFR & future ancillary dwelling, & other bldgs.  
Exception is not to be severed from Premises  
Limited to 2 residential units.
    - 2nd (1.43) acres for Existing equestrian uses. & 2 residential apartmts in the barn  
Exception is not to be severed from Premises  
residential use to be restricted to 2 residential apartments
    - 3rd (44.7) acres for Preservation  
Exception is severable  
Exception is to be limited to one existing single family residential unit(s) and one future single family residential unit(s)

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

- c. Additional Restrictions:
    - 1. FY14 ALE via NJCF subject to 3.67% maximum impervious cover restriction on the Premises
    - 2. Northern Duplex-residence can be replaced by a duplex or one single family residential unit not to exceed heating living space of (+/- 1,500 sq.)
    - 3. Southern Duplex residential unit to be limited to a maximum of 5,000 square feet of heated living space.
    - 4. 4-unit residential apartment structure can be replaced with single family or other residential structure of no more than 4 units, limited to existing square footage of heated living space (+/- 3,000sq.)
    - 5. Lot 2.02 shall be deed restricted for agricultural use and production, with the Deed held by the county, in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, without a SADC cost share and will be restricted to two residential units. The SADC certification, final approval and eventual cost share grant shall be conditioned upon a simultaneous closing of the development easements on both the Premises and the exception.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - Duplex - Northern Duplex is limited to existing sq. ft. of heated living space (+/- 1,500 sq')
    - Duplex - Southern duplex is limited to a max of 5,000 square feet of heated living space.
    - Apartment - 4-unit residence is limited to existing square footage of heated living space (+/- 3,000sq')
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
- 6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
  - 7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(3)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Abrams Homestead, LLC ("Owner")  
Shamong Township, Burlington County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 03-0402-PG

September 24, 2015

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on August 21, 2014 the SADC received an application for the sale of a development easement from Burlington County for the subject farm identified as Block 17, Lot 6, Shamong Township, Burlington County, totaling approximately 81 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes, one (1), approximately 1-acre non-severable exception area for flexibility around the agricultural structures, limited to zero (0) residential opportunities, and resulting in approximately 80 net acres to be preserved; and

WHEREAS, the portion of the Property to be preserved outside of the exception area includes zero (0) single family residential units, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in soybean production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises and Non-agricultural uses; and

- WHEREAS, the Property has a quality score of 73.06 which exceeds 47, which is 70% of the County's average quality as determined by the SADC on July 25, 2013; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 9, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and
- WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2127 allocated 4.0 Pinelands Development Credits (PDCs) to the Property; and
- WHEREAS, as a result of the conveyance of the deed of easement to the County, the 4.0 PDCs will be retired; and
- WHEREAS, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and
- WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and
- WHEREAS, on February 6, 2015, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:  
Formula Valuation without impervious cover option: \$3,787 per acre  
Formula Valuation with 10% impervious cover option: \$4,260 per acre; and
- WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the Property to 10% of the total property acreage; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 22, 2015 the SADC certified a development easement value of \$3,800 per acre based on zoning and environmental regulations in place as of September 22, 2014 and a fee simple "before" value of \$8,000 per acre; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement based on the Formula Valuation Formula with the impervious cover option for \$4,260; and
- WHEREAS, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum (10%) impervious cover available for the construction of agricultural infrastructure on the Property outside of the exception area which totals approximately 8.0 acres; and



WHEREAS, pursuant to N.J.A.C. 2:76-19.13, impervious coverage shall include, but is not limited to, houses, barns, stables, sheds, silos, outhouses, cabanas, and other buildings, swimming pools, docs or decks. Temporary greenhouses or other temporary coverings which do not have impervious floors are not included; and

WHEREAS, on August 3, 2015 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 31, 2015 the Shamong Township Committee approved the Owner's application for the sale of a development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 14, 2015 the Burlington CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2015 the Board of Chosen Freeholders of the County of Burlington passed a resolution granting final approval and a commitment of funding for \$1,304 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer above the net acreage to be preserved for possible final surveyed acreage increases, therefore, 82.4 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 82.4 acres):

	<u>Cost Share</u>
SADC	\$243,574.40 (\$2,956 per acre)
Burlington County	<u>\$107,449.60</u> (\$1,304 per acre)
Total Easement Purchase	\$351,024.00 (\$4,260 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f), if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting the \$243,574.40 from their available competitive grant funding (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 82.4 net easement acres, based on the Pinelands Valuation formula, at a State cost share of \$2,956 per acre, (77.79% of certified easement value and 69.39 % of purchase price), for a total grant need of \$243,574.40 pursuant to

N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Owner agreed to the additional restrictions associated with accepting the higher of the two Pinelands formula evaluations, a maximum (10%) impervious cover available for the construction of agricultural infrastructure on the Property outside of the exception area which totals approximately 8.0 acres; and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 1-acre non-severable exception area for flexibility around the agricultural structures and limited to zero (0) residential opportunities; and

BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes zero (0) single family residential units; zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if base grant funds become available and are needed due to an increase in acreage, the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

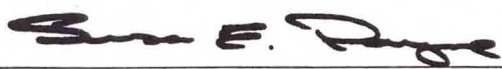
BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15  
Date

  
Susan E. Payne, Executive Director  
State Agriculture Development Committee



**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	RECUSED
James Waltman	YES

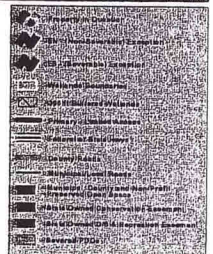


# Schedule A



**FARMLAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**

Abrams Homestead Farm LLC  
Block 17 P/O Lot 6 (79.82 ac) & P/O Lot 6-EN (non-severable exception – 1.0 ac)  
Gross Total = 80.82 ac  
ShamongTwp., Burlington County



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for A  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

Date: 8/27/2014

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



Application within the (PA10) Pinelands Area

Application within the Pinelands Ag Production Area

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Abrams Homestead Farm LLC  
Block 17 P/O Lot 6 (79.82 ac) & P/O Lot 6-EN (non-severable exception – 1.0 ac)  
Gross Total = 80.82 ac  
ShamongTwp., Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet



### NOTE:

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

Date: 8/27/2014



SADC County Pig Financial Status  
Schedule B

Burlington County

SADC ID#	Farm	Municipality	Acres	PAY Acres	SADC Certified or Replicated PR Acres	SADC Grant PR Acres	SADC Cost Basis	SADC Cost Share	Total Federal Grant	SADC Federal Grant	Encumbered	Expend	Balance	Maximum Grant Fiscal Year 11	Maximum Grant Fiscal Year 13	FY11 Balance	FY13 Balance	Fund Balance
03-0318-PG	Bur ChvGriffin	North Hanover	104.0730		3,445.00	2,351.50	307,139.70	155,545.55		310,313.37	310,313.37			1,000,000.00	1,000,000.00			0.00
03-0318-PG	Bur ChvGriffin	North Hanover	86.075		6,800.00	4,250.00	543,702.80	405,645.25		405,645.25	405,645.25			1,000,000.00	1,000,000.00			8,000,917.37
03-0318-PG	Bur ChvClavon Black East	New Hanover	186.3000		2,300.00	1,701.11	446,955.99	251,477.72		316,317.11	316,317.11			1,000,000.00	1,000,000.00			0.00
03-0318-PG	Bur ChvWalwynCern	Mansfield	138.7230		9,800.00	5,760.00	1,310,457.20	786,280.32		602,361.17	602,361.17			1,000,000.00	1,000,000.00			2,616,000.35
03-0318-PG	Bur ChvWalwynCern	Mansfield	108.9000		10,700.00	6,390.00	1,107,007.35	654,881.41		602,361.17	602,361.17			1,000,000.00	1,000,000.00			2,161,359.44
03-0318-PG	Bur ChvDAmico	North Hanover	51.3180		8,000.00	4,875.00	387,450.90	239,111.65		239,111.65	239,111.65			1,000,000.00	1,000,000.00			1,911,487.79
03-0318-PG	Bur ChvMurphy	Hanover	113.0410		17,300.00	10,380.00	1,913,899.04	1,177,272.00		1,177,272.00	1,177,272.00			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	152.4000		3,185.03	1,917.00	402,114.34	292,151.00		292,151.00	292,151.00			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	116.6530		3,050.00	2,230.00	337,481.55	246,768.19		246,768.19	246,768.19			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvD'Uilio, Anthony	Mansfield	90.0000		7,700.00	4,750.00	689,881.60	425,338.00		425,338.00	425,338.00			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvD'Uilio, Anthony	Mansfield	109.5760		4,440.00	3,064.00	489,236.32	335,748.99		335,748.99	335,748.99			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	87.0000		5,800.00	3,480.00	512,322.32	329,115.48		329,115.48	329,115.48			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	276.9360		974.00	1,307.50	482,707.10	350,118.57		350,118.57	350,118.57			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	45.0000		2,200.00	1,400.00	89,000.00	73,600.00		73,600.00	73,600.00			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	63.1830		1,350.00	1,894.79	1,638,655.21	1,210,125.89		1,210,125.89	1,210,125.89			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	217.8340		1,735.00	2,138.28	634,664.71	485,933.36		485,933.36	485,933.36			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	126.5000		2,400.00	2,111.40	410,114.87	295,057.49		295,057.49	295,057.49			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	66.8610		3,450.00	2,560.80	246,394.41	133,147.20		133,147.20	133,147.20			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	113.3760		1,765.00	2,280.60	353,891.86	257,328.58		257,328.58	257,328.58			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	25.0420		7,400.00	4,600.00	192,888.50	119,779.40		119,779.40	119,779.40			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	140.907		13,854	2,081.70	378,440.87	276,443.87		276,443.87	276,443.87			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	18.471		7,400.00	4,600.00	192,888.50	119,779.40		119,779.40	119,779.40			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	71.0000		8,400.00	5,040.00	581,411.30	415,402.84		415,402.84	415,402.84			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	80.0000		4,250.00	2,865.00	351,024.00	243,574.40		243,574.40	243,574.40			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	166.0000		4,415.00	2,865.00	755,047.68	490,541.62		490,541.62	490,541.62			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	52.0000		3,394.00	2,435.40	181,782.54	130,453.58		130,453.58	130,453.58			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	79.2000		3,530.00	2,200.00		179,476.00		179,476.00	179,476.00			1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	248.4670		3,424.3671	13,295.03341	1,891,170.36		1,891,170.36	1,891,170.36				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton	403.2430		414.5550	1,788.22032	1,153,865.00		1,153,865.00	1,153,865.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0.00			0.00	0.00				1,000,000.00	1,000,000.00			1,928,891.39
03-0318-PG	Bur ChvBarnes	Pemberton				0												



State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase  
September 24, 2015

Abrams Homestead Farms, LLC  
03- 0402-PG  
County PIG Program  
79 Acres

Block 17	Lot 6	Shamong Twp.	Burlington County			
<b>SOILS:</b>		Other	2% *	0	=	.00
		Prime	96% *	.15	=	14.40
		Statewide	2% *	.1	=	.20
						<b>SOIL SCORE: 14.60</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	94% *	.15	=	14.10
		Other	1% *	0	=	.00
		Wetlands	2% *	0	=	.00
		Woodlands	3% *	0	=	.00
						<b>TILLABLE SOILS SCORE: 14.10</b>
<b>FARM USE:</b>		Soybeans-Cash Grain	75 acres			

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st one (1) acres for Flexibility in and around ag structures
    - Exception is not to be severed from Premises
    - Exception is to be limited to zero future single family residential unit(s)
  - c. Additional Restrictions:
    1. In order for the landowner to accept the higher Pinelands formula value of \$4,260, they had to agree that Property would be restricted to an impervious coverage not to exceed 10% of the net preserved acres.
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.





STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R6(4)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Grace Abrams ("Owner")  
Tabernacle Township, Burlington County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 03-0403-PG

September 24, 2015

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on August 21, 2014 the SADC received an application for the sale of a development easement from Burlington County for the subject farm identified as Block 1002, Lot 6, Tabernacle Township, Burlington County, totaling approximately 82.2 gross acres (per draft survey) hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes one (1) approximately 3-acre non-severable exception area for and limited to one (1) single family residential unit, resulting in approximately 79.2 net acres to be preserved; and

WHEREAS, the portion of the Property to be preserved outside of the exception area includes zero (0) residential opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in corn and vegetable production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises and Non-agricultural uses; and

- WHEREAS, the Property has a quality score of 67.77 which exceeds 47, which is 70% of the County's average quality as determined by the SADC on July 25, 2013; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 17, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and
- WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2119 allocated 3.0 Pinelands Development Credits (PDCs) to the Property; and
- WHEREAS, as a result of the conveyance of the deed of easement to the County, the 3.0 PDCs will be retired; and
- WHEREAS, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and
- WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and
- WHEREAS, on February 6, 2015, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:  
Formula Valuation without impervious cover option: \$3,017 per acre  
Formula Valuation with 10% impervious cover option: \$3,394 per acre; and
- WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the Property to 10% of the total property acreage; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 22, 2015 the SADC certified a development easement value of \$3,000 per acre based on zoning and environmental regulations in place as of October 6, 2014; and
- WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$3,530 per acre, which is higher than the SADC certified easement value of \$3,000 per acre but less than the highest appraised easement value of \$4,459 per acre; and
- WHEREAS, on August 3, 2015 the County prioritized its farms and submitted its application priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 27, 2015 the Tabernacle Township Committee approved the Owner's application for the sale of a development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 14, 2015 the Burlington CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2015 the Board of Chosen Freeholders of the County of Burlington passed a resolution granting final approval and a commitment of funding for \$1,330 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer above the net acreage to be preserved for possible final surveyed acreage increases, therefore, 81.58 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 81.58 acres):

	<u>Cost Share</u>
SADC	\$179,476.00 (\$2,200 per acre)
Burlington County	<u>\$108,501.40 (\$1,330 per acre)</u>
Total Easement Purchase	\$287,977.40 (\$3,530 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting the \$179,476.00 from their available competitive grant funding (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 81.58 net easement acres, at a State cost share of \$2,200 per acre, (73.33% of certified easement value and 62.32% of the purchase price), for a total grant need of \$179,476.00 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property includes one (1) approximately 3-acre non-severable exception area for and limited to one (1) single family residential unit; and

BE IT FURTHER RESOLVED, the portion of the Property to be preserved outside of the exception area includes zero (0) residential opportunities, zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if base grant funds, become available and are needed, due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15

Date



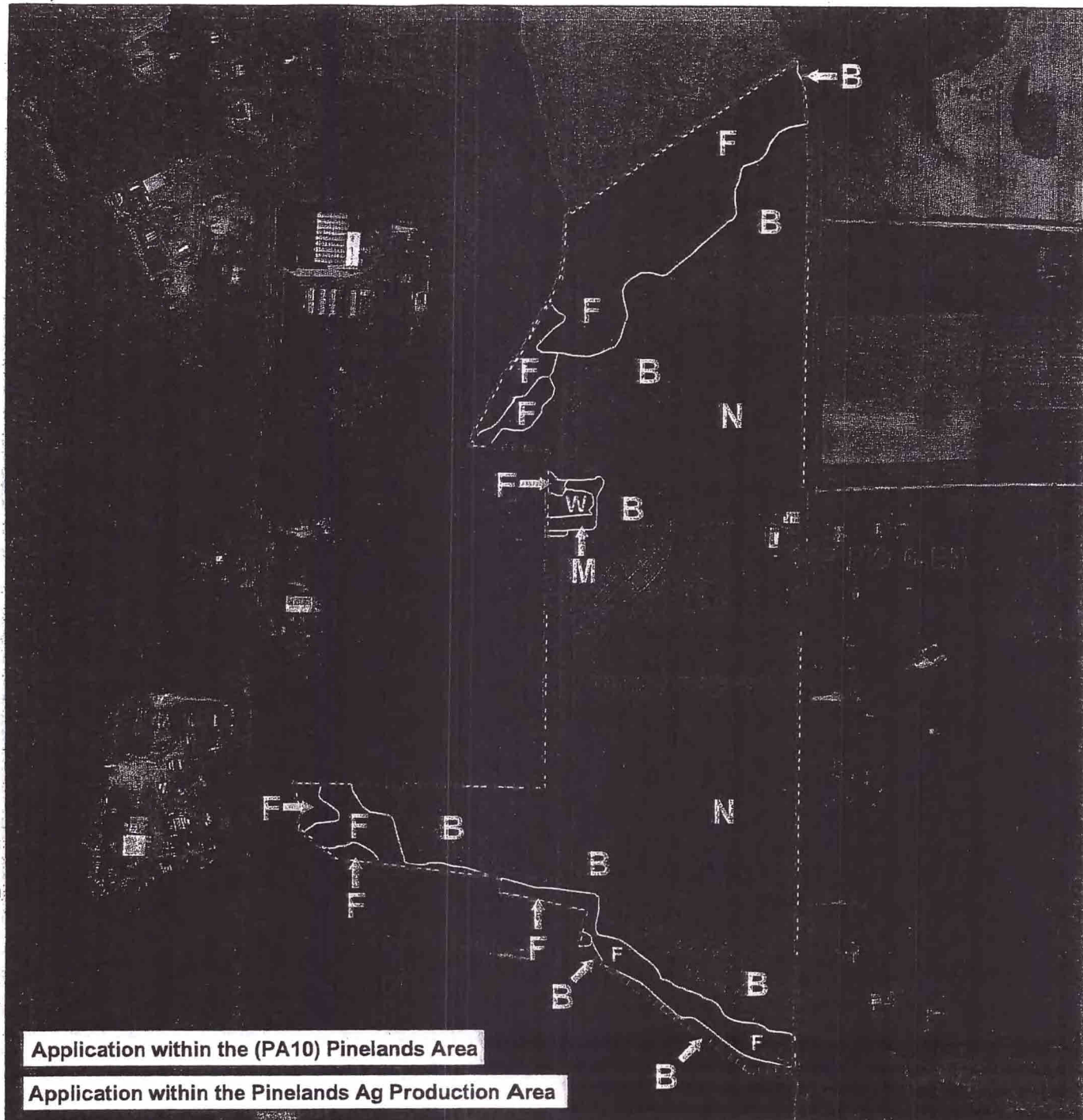
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	RECUSED
James Waltman	YES



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Application within the (PA10) Pinelands Area

Application within the Pinelands Ag Production Area

# **FARMLAND PRESERVATION PROGRAM** **NJ State Agriculture Development Committee**

Abrams, Grace  
 Block 1002 Lots P/O 6 (82.55 ac)  
 & P/O 6-EN (non-severable exception - 3.0 ac)  
 Gross Total = 85.55 ac  
 Tabernacle Twp., Burlington County



**Wetlands Legend:**  
 F - Freshwater Wetlands  
 L - Linear Wetlands  
 M - Wetlands Modified for Agriculture  
 T - Tidal Wetlands  
 N - Non-Wetlands  
 B - 300' Buffer  
 W - Water

**Sources:**  
 NJDEP Freshwater Wetlands Data  
 Green Acres Conservation Easement Data  
 NJDOT Road Data  
 NJOT/OGIS 2012 Digital Aerial Image

Date: 9/8/2014

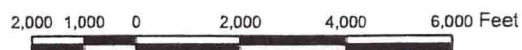
**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.

X:\counties\burco\projects\Abrams\_Grace\_2Mile.mxd



**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

Abrams, Grace  
Block 1002 Lots P/O 6 (82.55 ac)  
& P/O 6-EN (non-severable exception - 3.0 ac)  
Gross Total = 85.55 ac  
Tabernacle Twp., Burlington County



**NOTE:**

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinehills Commission PDC Data  
NJOT/IGIS 2012 Digital Aerial Image

Date: 9/8/2014



## Burlington County

Examined period EY08	0.00																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		</
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State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Grace Abrams  
03- 0403-PG  
County PIG Program

Block 1002	Lot 6	Tabernacle Twp.	Burlington County
<b>SOILS:</b>		Other	12% * 0 = .00
		Prime	86% * .15 = 12.90
		Statewide	1% * .1 = .10
		Unique zero	1% * 0 = .00
			<b>SOIL SCORE: 13.00</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	71% * .15 = 10.65
		Woodlands	29% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.65</b>
<b>FARM USE:</b>		Corn-Cash Grain	6 acres
		Vegtable & Melons	53 acres      snap beans and melons

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions:
    - 1st three (3) acres for Future flexibility of use.
    - Exception is not to be severed from Premises
    - Exception is to be limited to one existing single family residential unit(s) and zero future single family residential unit(s)
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:
    - No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(5)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Paul and Kathleen Wells ("Owners")  
Shamong Township, Burlington County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 03-0398-PG

September 24, 2015

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on August 21, 2014 the SADC received an application for the sale of a development easement from Burlington County for the subject farm identified as Block 19.01, Lot 8.03, Shamong Township, Burlington County, totaling approximately 52 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property has no exception areas, resulting in approximately 52 net acres to be preserved; and

WHEREAS, the Property to be preserved includes one (1) single family residential unit; zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was corn and soybean production; and

WHEREAS, at the time of application the Owners' had 5 acres devoted to hay and pasture for their three horses used for their personal use with no equine service activities taking place on the Premises; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 63.59 which exceeds 47, which is 70% of the County's average quality as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on December 4, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2125 allocated 2.0 Pinelands Development Credits (PDCs) to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 2.0 PDCs will be retired; and

WHEREAS, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, on February 6, 2015, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:  
Formula Valuation without impervious cover option: \$2,985 per acre  
Formula Valuation with 10% impervious cover option: \$3,346 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the Property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on January 22, 2015 the SADC certified a development easement value of \$3,679 per acre based on zoning and environmental regulations in place as of October 16, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$3,394 per acre; and

WHEREAS, on August 3, 2015 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 31, 2015 the Shamong Township Committee approved the Owner's application for the sale of a development easement, but is not participating financially in the easement purchase; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 14, 2015 the Burlington CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2015 the Board of Chosen Freeholders of the County of Burlington passed a resolution granting final approval and a commitment of funding for \$957.60 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer above the net acreage to be preserved for possible final surveyed acreage increases, therefore, 53.56 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 53.56 acres):

	<u>Cost Share</u>	
SADC	\$130,493.58	(\$2,436.40 per acre)
Burlington County	\$ 51,289.06	(\$ 957.60 per acre)
Total Easement Purchase	\$181,782.64	(\$3,394 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f), if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting the \$130,493.58 from their available competitive grant funding (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 53.56 net easement acres, at a State cost share of \$2,436.40 per acre, (71.79% of certified easement value and purchase price), for a total grant need of \$130,493.58 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has no exception areas; and

BE IT FURTHER RESOLVED, the Property to be preserved includes one (1) single family residential unit; zero (0) agricultural labor units and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if base grant funds become available and are needed due to an increase in acreage the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15

Date



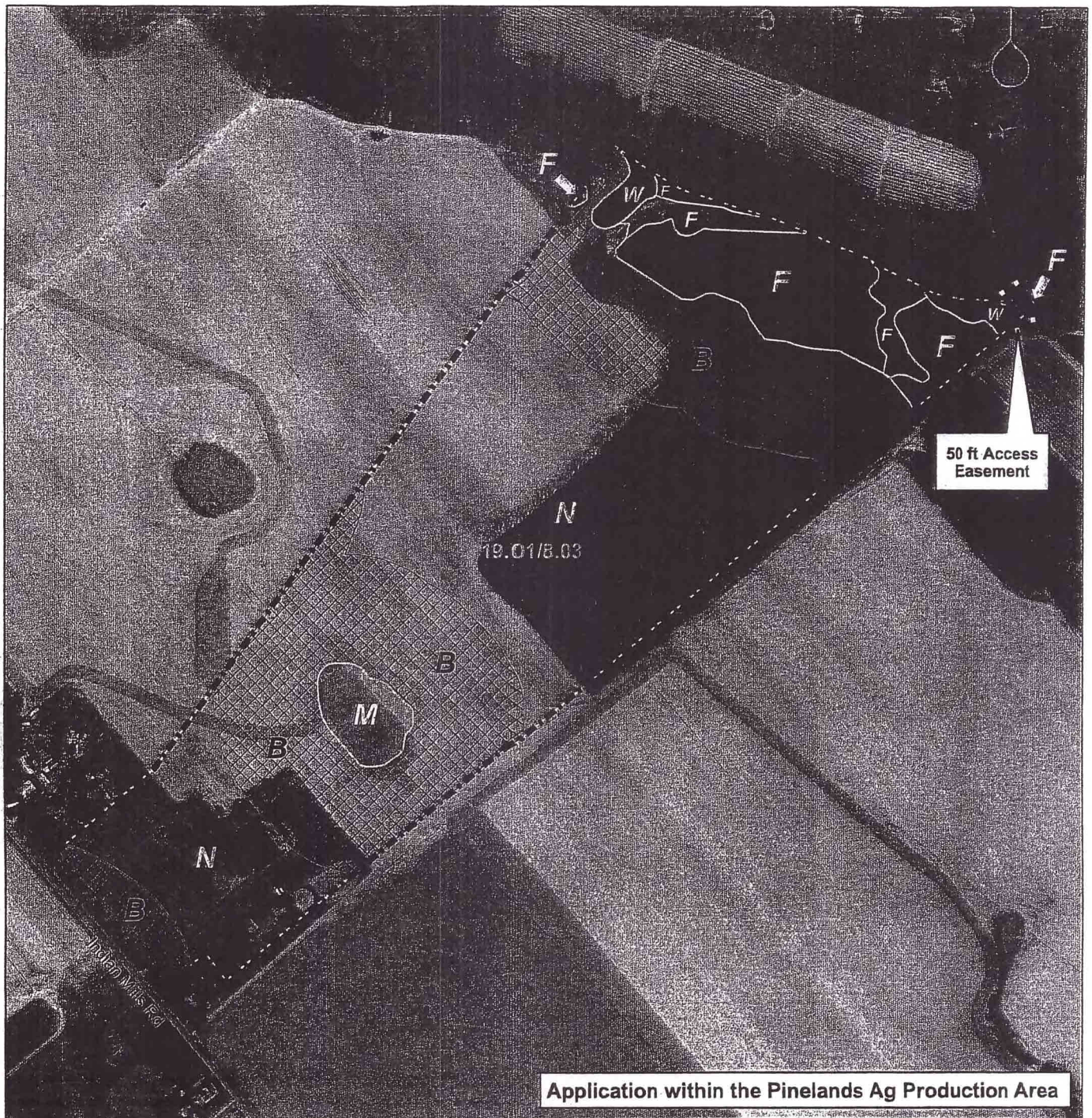
Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	RECUSED
James Waltman	YES



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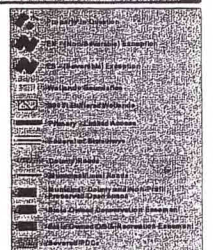


## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Paul and Kathleen Wells  
Block 19.01 Lot 8.03 (52.3 ac)  
Gross Total = 52.3 ac  
Shamong Twp., Burlington County



**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor



**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOTISGIS 2012 Digital Aerial Image



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Application within the Pinelands Ag Production Area

**FARMLAND PRESERVATION PROGRAM**  
**NJ State Agriculture Development Committee**

Paul and Kathleen Wells  
Block 19.01 Lot 8.03 (52.3 ac)  
Gross Total = 52.3 ac  
Shamong Twp., Burlington County

2,000 1,000 0 2,000 4,000 6,000 Feet



**NOTE:**

The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors

Sources:  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

September 2, 2014



## Burlington County

September 24, 2015

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Wells, Paul & Kathleen  
03- 0398-PG  
County PIG Program  
52 Acres

Block 19.01	Lot 8.03	Shamong Twp.	Burlington County
<b>SOILS:</b>		Other	5% * 0 = .00
		Prime	69% * .15 = 10.35
		Statewide	13% * .1 = 1.30
		Unique zero	13% * 0 = .00
			<b>SOIL SCORE: 11.65</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	52% * .15 = 7.80
		Wetlands	14% * 0 = .00
		Woodlands	34% * 0 = .00
			<b>TILLABLE SOILS SCORE: 7.80</b>
<b>FARM USE:</b>		Corn-Cash Grain	22 acres
		Other	5 acres pasture for 3 horses

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
Standard Single Family
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R9(6)

FINAL REVIEW AND APPROVAL OF A PLANNING INCENTIVE GRANT TO

BURLINGTON COUNTY

for the

PURCHASE OF A DEVELOPMENT EASEMENT

On the Property of  
Indian Mills Farm, LLC ("Owner")  
Shamong Township, Burlington County

N.J.A.C. 2:76-17 et seq.  
SADC ID# 03-0404-PG

September 24, 2015

WHEREAS, on December 15, 2007, the State Agriculture Development Committee ("SADC") received a Planning Incentive Grant ("PIG") plan application from Burlington County, hereinafter "County" pursuant to N.J.A.C. 2:76-17.6; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.7, Burlington County received SADC approval of its FY2016 PIG Plan application annual update on May 28, 2015; and

WHEREAS, on August 21, 2014 the SADC received an application for the sale of a development easement from Burlington County for the subject farm identified as Block 28.01, Lot 4.01, Shamong Township, Burlington County, totaling approximately 166 gross acres hereinafter referred to as "the Property" (Schedule A); and

WHEREAS, the Property is a targeted farm located in Burlington County's South Project Area and in the Pinelands Agricultural Production Area; and

WHEREAS, the Property includes no exception areas resulting in approximately 166 acres to be preserved; and

WHEREAS, the Property to be preserved includes zero (0) residential opportunities; zero (0) agricultural labor units, and no pre-existing non-agricultural uses; and

WHEREAS, at the time of application the Property was in wheat and sod production; and

WHEREAS, the Owner has read and signed SADC Guidance Documents regarding Exceptions, Division of the Premises, Division of the Premises and Non-agricultural uses; and

WHEREAS, the Property has a quality score of 72.2 which exceeds 47, which is 70% of the County's average quality as determined by the SADC on July 25, 2013; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.9(b) on November 18, 2014 it was determined that the application for the sale of a development easement was complete and accurate and satisfied the criteria contained in N.J.A.C. 2:76-17.9(a); and

WHEREAS, the New Jersey Pinelands Commission Letter of Interpretation #2122 allocated 8.5 Pinelands Development Credits (PDCs) to the Property; and

WHEREAS, as a result of the conveyance of the deed of easement to the County, the 8.5 PDCs will be retired; and

WHEREAS, as per N.J.A.C. 2:76-19.3 landowners shall have a choice of having their development easement appraised as per the Pinelands Valuation Formula (Formula) or pursuant to N.J.S.A. 4:1C-31; and

WHEREAS, the Formula takes into consideration the PDCs for a particular parcel and the presence of important agricultural and environmental features. The Formula provides for certain base values to be adjusted upward in varying percentages depending on factors such as site-specific environmental quality, access to highways, septic suitability and agricultural viability; and

WHEREAS, on February 6, 2015, a Pinelands Valuation Formula (Formula) was finalized between SADC and CADB staff as per N.J.A.C. 2:76-19.3, yielding:

Formula Valuation without impervious cover option: \$3,758 per acre

Formula Valuation with 10% impervious cover option: \$4,228 per acre; and

WHEREAS, pursuant to N.J.A.C. 2:76-19.13 a landowner may choose to receive a higher base value pursuant to N.J.A.C. 2:76-19.4(c) by placing a deed restriction on his or her property that limits impervious coverage on the Property to 10% of the total property acreage; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.11, on May 28, 2015 the SADC certified a development easement value of \$4,115 per acre based on zoning and environmental regulations in place as of September 12, 2014; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.12, the Owner accepted an offer from the County to purchase a development easement for \$4,416 per acre, (which is higher than the SADC certified easement value, but less than the highest appraised easement value of \$4,717 per acre); and

WHEREAS, on August 3, 2015 the County prioritized its farms and submitted its application in priority order to the SADC to conduct a final review of the application for the sale of a development easement pursuant to N.J.A.C. 2:76-17.14; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13, on July 31, 2015 the Shamong Township Committee approved the Owner's application for the sale of a development easement, but is not participating financially in the easement purchase; and



WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on May 14, 2015 the Burlington CADB passed a resolution granting final approval for funding the Property; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.13 on July 8, 2015 the Board of Chosen Freeholders of the County of Burlington passed a resolution granting final approval and a commitment of funding for \$1,547 per acre to cover the entire local cost share; and

WHEREAS, the County has requested to encumber an additional 3% buffer above the net acreage to be preserved for possible final surveyed acreage increases, therefore, 170.98 acres will be utilized to calculate the grant need; and

WHEREAS, the estimated cost share breakdown is as follows (based on 170.98 acres):

	<u>Cost Share</u>
SADC	\$490,541.62 (\$2,869 per acre)
Burlington County	<u>\$264,506.06 (\$1,547 per acre)</u>
Total Easement Purchase	\$755,047.68 (\$4,416 per acre); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14 (d)-(f), if there are insufficient funds available in a county's base grant the county may request additional funds from the competitive grant fund; and

WHEREAS, pursuant to N.J.A.C. 2:76-17.4, the County is requesting the \$490,541.62 from their available competitive grant funding (Schedule B); and

WHEREAS, pursuant to N.J.A.C. 2:76-17.14, the SADC shall approve a cost share grant for the purchase of the development easement on an individual farm consistent with the provisions of N.J.A.C. 2:76-6.11;

NOW THEREFORE BE IT RESOLVED, that the SADC grants final approval to provide a cost share grant to Burlington County for the purchase of a development easement on the Property, comprising approximately 170.98 easement acres, at a State cost share of \$2,869 per acre, (69.72% of certified easement value and 64.97% of the purchase price), for a total grant need of \$490,541.62 pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in (Schedule C); and

BE IT FURTHER RESOLVED, the Property has no exception areas; and

BE IT FURTHER RESOLVED, the Property to be preserved includes zero (0) residential opportunities, zero, (0) agricultural labor units, and no pre-existing non-agricultural uses; and

BE IT FURTHER RESOLVED, that if base grant funds, become available and are needed due to an increase in acreage, the grant may be adjusted so long as it does not impact any other applications' encumbrance; and

BE IT FURTHER RESOLVED, any unused funds encumbered from either the base or competitive grants at the time of final approval shall be returned to their respective sources (competitive or base grant fund); and

BE IT FURTHER RESOLVED, that the SADC's cost share grant to the County for the purchase of a development easement on the approved application shall be based on the final surveyed acreage of the Property to be preserved outside of any exception area adjusted for proposed road rights-of-way, other rights-of-way or easements as determined by the SADC, streams or water bodies on the boundaries of the premises as identified in Policy P-3-B Supplement; and

BE IT FURTHER RESOLVED, the SADC shall enter into a Grant Agreement with the County pursuant to N.J.A.C. 2:76-6.18, 6.18(a) and 6.18(b); and

BE IT FURTHER RESOLVED, that all survey, title and all additional documents required for closing shall be subject to review and approval by the SADC; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that the SADC's final approval is conditioned upon the Governor's review pursuant to N.J.S.A. 4:1C-4.

9/24/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	RECUSED
James Waltman	YES



# Schedule A

X:\counties\burcolprojects\Gardner\_Indian\_Mills\_FWW.mxd



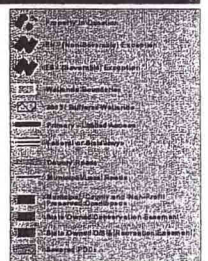
Application within the (PA10) Pinelands Area

Application within the Pinelands Ag Production Area

## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Indian Mills Farm LLC (Gardner)  
Block 28.01 Lot 4.01 (165.78 ac)  
Gross Total = 165.78 ac  
Shamong Twp., Burlington County

500 250 0 500 1,000 Feet



**Wetlands Legend:**  
F - Freshwater Wetlands  
L - Linear Wetlands  
M - Wetlands Modified for Agriculture  
T - Tidal Wetlands  
N - Non-Wetlands  
B - 300' Buffer  
W - Water

**Sources:**  
NJDEP Freshwater Wetlands Data  
Green Acres Conservation Easement Data  
NJDOT Road Data  
NJOT/OGIS 2012 Digital Aerial Image

Date: 8/29/2014

**DISCLAIMER:** Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user. The configuration and geo-referenced location of parcel polygons in this data layer are approximate and were developed primarily for planning purposes. The geodetic accuracy and precision of the GIS data contained in this file and map shall not be, nor are intended to be, relied upon in matters requiring delineation and location of true ground horizontal and/or vertical controls as would be obtained by an actual ground survey conducted by a licensed Professional Land Surveyor.



X:\countiesburco\projects\Gardner\_Indian\_Mills\_2Mile.mxd



**FARMLAND PRESERVATION PROGRAM  
NJ State Agriculture Development Committee**

Indian Mills Farm LLC (Gardner)  
Block 28.01 Lot 4.01 (165.78 ac)  
Gross Total = 165.78 ac  
Shamong Twp., Burlington County



**NOTE:**  
The parcel location and boundaries shown on this map are approximate and should not be construed to be a land survey as defined by the New Jersey Board of Professional Engineers and Land Surveyors



**Sources:**  
NJ Farmland Preservation Program  
Green Acres Conservation Easement Data  
NJ Pinelands Commission PDC Data  
NJOT/OGIS 2012 Digital Aerial Image

Date 8/29/2014



SADC County Pig Financial Status  
Schedule B

Burlington County

C/O#	Farm	Municipality	Acres	Pay Acres	SADC Certified Ref Acres	SADC Grant Ref Acres	SADC			Federal Grant	SADC Grant	Encumbered	Base Grant			FY11 Balance	FY13 Balance	FY15 Balance
							Cost Basis	Cost Share	Total				Fiscal Year 09 Fiscal Year 11 Fiscal Year 16	RV	Expended			
C/O#	But CIV/Griffin	North Hanover	104.0720	104.0720	6,800.00	2,021.50	307,638.79	189,848.86			210,233.57	199,945.86	403,845.25	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	96.0725	96.0725	6,800.00	4,350.00	603,702.50	403,845.25			403,845.25	403,845.25	403,845.25	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	186.3900	186.3900	2,300.00	1,701.11	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	128.7230	128.7230	8,600.00	3,760.00	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	81.3180	81.3180	8,000.00	4,672.00	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	80.3580	80.3580	5,300.00	3,560.00	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	112.0410	110.5840	17,200.00	10,380.00	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	132.4550	131.0530	3,185.82	1,817.00	482,814.34	282,151.00			482,814.34	482,814.34	482,814.34	282,151.00	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	110.5830	110.5830	3,050.00	2,250.00	317,481.68	246,168.19			317,481.68	317,481.68	317,481.68	246,168.19	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	108.8780	108.8780	7,100.00	3,620.00	482,814.34	282,151.00			482,814.34	482,814.34	482,814.34	282,151.00	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	108.8780	108.8780	2,652.00	2,168.40	179,153.93	11,408.34			179,153.93	179,153.93	179,153.93	11,408.34	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	60.8880	60.8880	3,590.00	2,544.00	312,322.82	222,192.89			312,322.82	312,322.82	312,322.82	222,192.89	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	268.2360	268.2360	872.00	1,507.50	482,814.34	282,151.00			482,814.34	482,814.34	482,814.34	282,151.00	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	48.0000	48.0000	2,200.00	1,440.00	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	217.7420	217.7420	1,235.00	2,138.24	1,310,467.20	789,580.32			789,580.32	789,580.32	789,580.32	289,847.72	602,381.17	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	112.4020	112.4020	1,922.00	2,141.20	327,654.23	246,873.80			327,654.23	327,654.23	327,654.23	246,873.80	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	128.6030	128.6030	2,000.00	2,313.40	410,114.97	205,057.48			410,114.97	410,114.97	410,114.97	205,057.48	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	68.6810	68.6810	3,450.00	2,850.80	246,873.80	123,147.21			246,873.80	246,873.80	246,873.80	123,147.21	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	112.2110	112.2110	1,760.00	2,850.80	327,654.23	246,873.80			327,654.23	327,654.23	327,654.23	246,873.80	117,206.67	1,000,000.00	2,300,024.14	
	But CIV/Griffin	North Hanover	133.8540	133.8540	720.00	2,081.70	378,840.67	271,643.70			378,840.67	378,840.67	378,840.67	271,643.70	117,206.67	1,000,000.00	2,300,024.14	
But CIV/Griffin	North Hanover	156.4710	153.8890	720.00	1,323.50	288,848.57	213,402.84			288,848.57	288,848.57	288,848.57	213,402.84	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	71.4530	70.6830	8,400.00	5,100.00	593,821.20	393,975.00			593,821.20	593,821.20	593,821.20	393,975.00	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	82.4000	82.4000	2,650.00	2,650.00	593,821.20	393,975.00			593,821.20	593,821.20	593,821.20	393,975.00	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	13.5000	13.5000	4,410.00	2,650.00	593,821.20	393,975.00			593,821.20	593,821.20	593,821.20	393,975.00	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	52.0000	52.0000	3,550.00	2,200.00	287,877.40	179,476.00			287,877.40	287,877.40	287,877.40	179,476.00	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	79.2000	81.5800	2,200.00	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	23	23	342,387.2	13,205.03	41,481.57	270.28			41,481.57	41,481.57	41,481.57	270.28	117,206.67	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	5	5	414.5580	0.00	0.00	0.00			0.00	0.00	0.00	0.00	0.00	1,000,000.00	2,300,024.14		
But CIV/Griffin	North Hanover	403.2430	414.5580		13,205.03	41,481.57	270.28											

State Agriculture Development Committee  
SADC Final Review: Development Easement Purchase

Indian Mills Farm, LLC  
03- 0404-PG  
County PIG Program  
166 Acres

Block 28.01	Lot 4.01	Shamong Twp.	Burlington County
<b>SOILS:</b>		Other	1% * 0 = .00
		Prime	98% * .15 = 14.70
		Statewide	1% * .1 = .10
			<b>SOIL SCORE: 14.80</b>
<b>TILLABLE SOILS:</b>		Cropland Harvested	73% * .15 = 10.95
		Other	1% * 0 = .00
		Woodlands	26% * 0 = .00
			<b>TILLABLE SOILS SCORE: 10.95</b>
<b>FARM USE:</b>		Wheat-Cash Grain	5 acres
		Sod	115 acres

In no instance shall the Committee's percent cost share for the purchase of the development easement exceed 80% of the purchase price of the easement. This final approval is subject to the following:

1. Available funding.
2. The allocation, not to exceed 0 Residual Dwelling Site Opportunities on the Premises subject to confirmation of acreage by survey.
3. Compliance with all applicable statutes, rules and policies.
5. Other:
  - a. Pre-existing Nonagricultural Use: No Nonagricultural Uses
  - b. Exceptions: No Exceptions Requested
  - c. Additional Restrictions: No Additional Restrictions
  - d. Additional Conditions: No Additional Conditions
  - e. Dwelling Units on Premises:  
No Structures On Premise
  - f. Agricultural Labor Housing Units on Premises: No Ag Labor Housing
6. The SADC's grant for the acquisition of the development easement is subject to the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:10-11 et seq., P.L. 1983, c.32, and N.J.A.C. 2:76-7.14.
7. Review and approval by the SADC legal counsel for compliance with legal requirements.



**STATE AGRICULTURE DEVELOPMENT COMMITTEE**

**RESOLUTION #FY2016R9(9)**

**Installation of Roof Mounted Solar Energy Generation Facility, Structures and  
Equipment on a Preserved Farm**

**Hancock, Tice & Crane, LLC**

**September 24, 2015**

Subject Property: Hancock, Tice & Crane, LLC  
Block 8, Lots 1 & 2  
Block 22, Lot 1  
Block 23, Lot 2  
Lower Alloways Creek Township, Salem County  
337.86-Acres

WHEREAS, Hancock, Tice & Crane, LLC, hereinafter "Owner", is the record owner of Block 8, Lots 1 & 2, Block 22, Lot 1 and Block 23, Lot 2, in the Township of Lower Alloways Creek, County of Salem, by Deed dated December 27, 2012, and recorded in the Salem County Clerk's Office in Deed Book 3546, Page 88000, totaling approximately 338 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the State Agriculture Development Committee on June 26, 2001, by the former owner, Jane Sylvester, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 1073, Page 329; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection.

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, the panels will be located on the roof of an existing barn on the Premises as identified on Schedule "A"; and

WHEREAS, the energy demand from this roof mounted unit is from the agriculture structures on the Premise which includes an aquaculture facility within the barn; and



WHEREAS, the energy demand for the previous calendar year for the farm is approximately 30,552 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 21,842 kWh's per year; and

WHEREAS, N.J.A.C. 4:76-24.4 (4)ii8 prohibits solar energy facilities from exceeding one acre of impervious cover; and

WHEREAS, there is no impervious cover created by this system as defined in N.J.A.C. 2:76-24.1 et seq. as any structure or surface that prevents the infiltration of precipitation in to the land; and

WHEREAS, N.J.A.C. 2:76-24.6 a(4), requires that any facility with an occupied area larger than one-acre be constructed, installed, operated and maintained in accordance with a farm conservation plan; and

WHEREAS, the occupied area, as defined in N.J.A.C. 2:76-24.1 et seq. as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, for the roof mounted array is limited to the space on the roof and the underground trench between barns that connects the inverter to the meter on the adjacent barn, which totals approximately 1,415 sq./ft. of space on the barn roof and ground; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the solar energy generation facility will be owned by the Owner; and

WHEREAS, the Applicant provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Applicant provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 1,350 square feet of space located on the rooftop a barn having a rated capacity of 21,842 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand of the agricultural production facilities farm is 30,552 kWh's annually; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

9/24/15  
DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

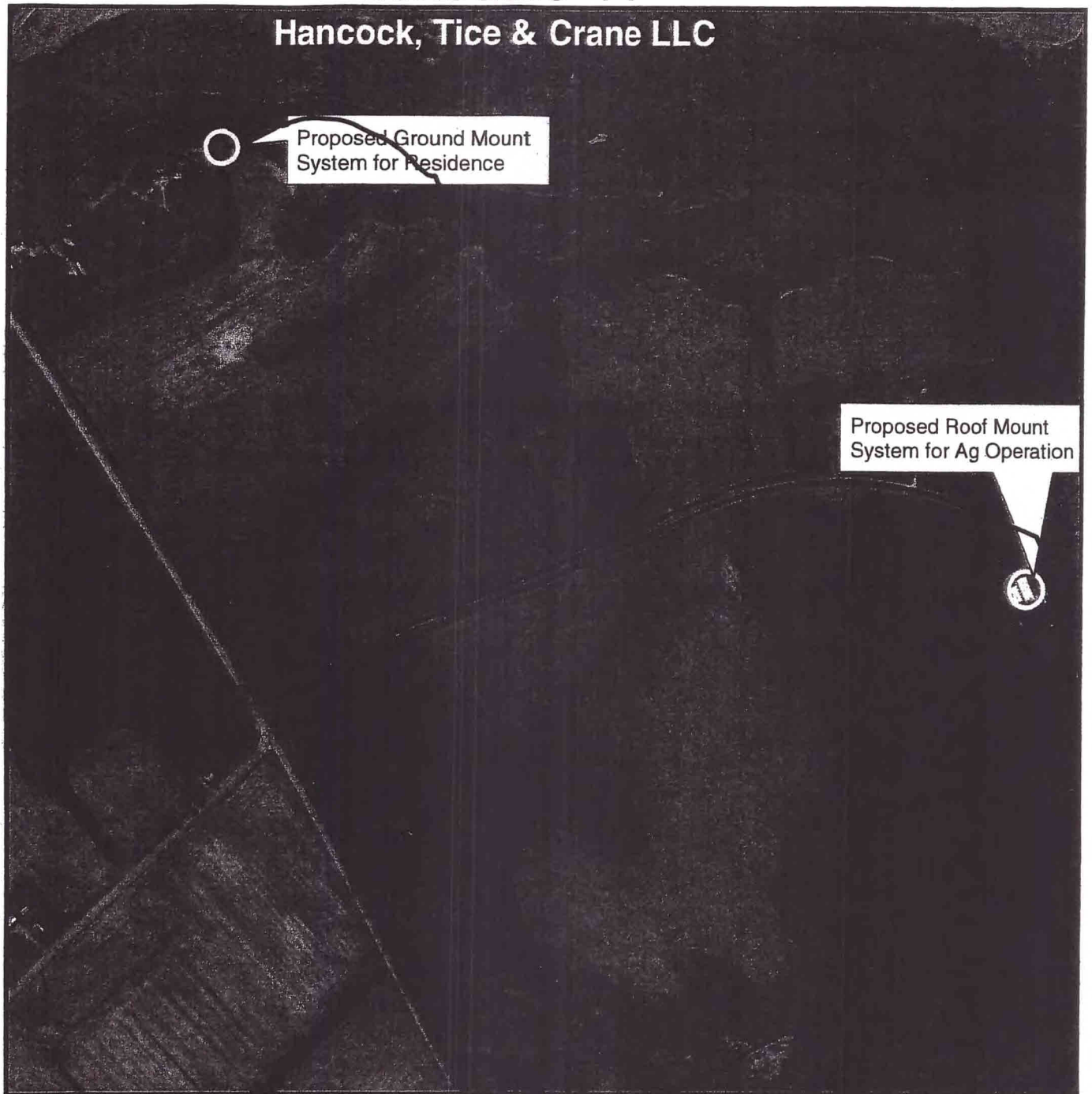
Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES



# Schedule "A"

Hancock, Tice & Crane LLC

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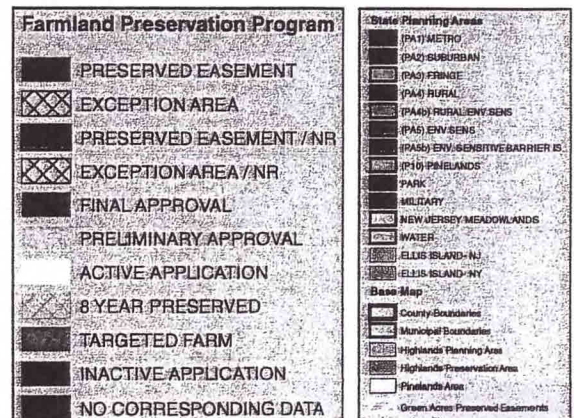
## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee

Hancock, Tice & Crane LLC  
Blocks 8 & 22; Lots 1, 2 & 1, 2  
Lower Alloways Creek Township, Salem County  
337 -Acres



0 310 620 1,240 1,860 Feet

9/8/2015







STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION #FY2016R9(10)

Installation of Ground Mounted Solar Energy Generation Facility, Structures and  
Equipment on a Preserved Farm

Hancock, Tice & Crane, LLC

September 24, 2015

Subject Property: Hancock, Tice & Crane, LLC  
Block 8, Lots 1 & 2  
Block 22, Lot 1  
Block 23, Lot 2  
Lower Alloways Creek Township, Salem County  
337.86-Acres

WHEREAS, Hancock, Tice & Crane, LLC, hereinafter "Owner", is the record owner of Block 8, Lots 1 & 2, Block 22, Lot 1 and Block 23, Lot 2, in the Township of Lower Alloways Creek, County of Salem, by Deed dated December 27, 2012, and recorded in the Salem County Clerk's Office in Deed Book 3546, Page 88000, totaling approximately 338 acres, hereinafter referred to as "Premises" (as shown on Schedule "A"); and

WHEREAS, the development easement on the original Premises was conveyed to the State Agriculture Development Committee on June 26, 2001, by the former owner, Jane Sylvester, pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., PL 1983, as a Deed of Easement recorded in Deed Book 1073, Page 329; and

WHEREAS, P.L. 2009, c.213 signed into law on January 16, 2010, requires the State Agriculture Development Committee (SADC) approval before constructing, installing, and operating renewable energy generating facilities, structures and equipment on preserved farms, including areas excepted from the Premises; and

WHEREAS, on June 3, 2013, the regulations (N.J.A.C. 2:76-24.1 et seq.) implementing the legislation allowing owners of preserved farms to install solar energy systems on preserved farms became effective; and

WHEREAS, the regulations state that the owner of a preserved farm may construct, install and operate renewable energy generation facilities on preserved farms for the purpose of generating power or heat, provided the systems:

- (1) do not interfere significantly with the use of the land for agricultural or horticultural production, as determined by the committee;
- (2) are owned by the landowner, or will be owned by the landowner upon the conclusion of the term of an agreement with the installer of the biomass, solar, or wind energy generation facilities, structures, or equipment by which the landowner uses the income or credits realized from the biomass, solar, or wind energy generation to purchase the facilities, structures, or equipment;
- (3) are used to provide power or heat to the farm, either directly or indirectly, or to reduce, through net metering or similar programs and systems, energy costs on the farm; and
- (4) are limited (a) in annual energy generation capacity to the previous calendar year's energy demand plus 10 percent, in addition to what is allowed under subsection b. of this section, or alternatively at the option of the landowner (b) to occupying no more than one percent of the area of the entire farm including both the preserved portion and any portion excluded from preservation.
- (5) The person who owns the farm and the energy generation facilities, structures, and equipment may only sell energy through net metering or as otherwise permitted under an agreement allowed pursuant to paragraph (2) of this subsection.

WHEREAS, the Owner submitted an "Application for Energy Generation Facilities on Existing Buildings or Structures on Preserved Farmland" pursuant to N.J.S.A. 4:1C-32.4; and

WHEREAS, the panels will be located along the wooded edge of a field approximately 300 feet from the single family residence on the Premises as identified on Schedule "A"; and

WHEREAS, the energy demand from this ground mounted unit is from the single family residence on the Premises; and



WHEREAS, the energy demand for the previous calendar year for the residence is approximately 23,870 kWh's as confirmed by the Owner's submission 12 months of utility bills; and

WHEREAS, the rated capacity of the proposed solar energy generation facility is 25,379 kWh's per year; and

WHEREAS, N.J.A.C. 4:76-24.4 (4)ii8 prohibits solar energy facilities from exceeding one acre of impervious cover; and

WHEREAS, the impervious cover created by this system as defined in N.J.A.C. 2:76-24.1 et seq. as any structure or surface that prevents the infiltration of precipitation in to the land is limited to the surface area of the helical posts used to support the racking system for the panels, which amounts to approximately 4 sq./ft. of impervious cover; and

WHEREAS, N.J.A.C. 2:76-24.6 a(4), requires that any facility with an occupied area larger than one-acre be constructed, installed, operated and maintained in accordance with a farm conservation plan; and

WHEREAS, the occupied area, as defined in N.J.A.C. 2:76-24.1 et seq. as the total contiguous or noncontiguous area(s) supporting the solar facilities and related infrastructure, for the ground mounted array is limited to the area around the panels themselves and the underground trench that connects the inverter to the meter on the residence, which totals approximately 3,800 sq./ft. of space on the ground; and

WHEREAS, there are no other renewable energy generation facilities existing on the Premises; or

WHEREAS, the solar energy generation facility will be owned by the Owner; and

WHEREAS, the Owner provided evidence confirming that the solar energy generation facility will provide power to the farm directly through net metering to reduce energy costs on the farm; and

WHEREAS, the Owner provided evidence that the annual solar energy generation does not exceed 110% of the previous calendar year's energy demand;

NOW THEREFORE BE IT RESOLVED, that the SADC finds that the Owner has complied with all of the provisions of N.J.S.A. 4:1C-32.4 concerning the installation of a photovoltaic solar energy generation facility, structures and equipment on the Premises; and

BE IT FURTHER RESOLVED, that the SADC approves of the construction, installation, operation and maintenance of the photovoltaic energy generation facilities, structures and equipment consisting of approximately 3,500 square feet of space located on the wooded edge of a field and having a rated capacity of 25,379 kWh's of energy as identified in Schedule "A", and as described further herein; and

BE IT FURTHER RESOLVED, that total electrical energy demand for the residence is 23,870 kWh's annually; and

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A 4:1C-4f.

9/24/15

DATE



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS:**

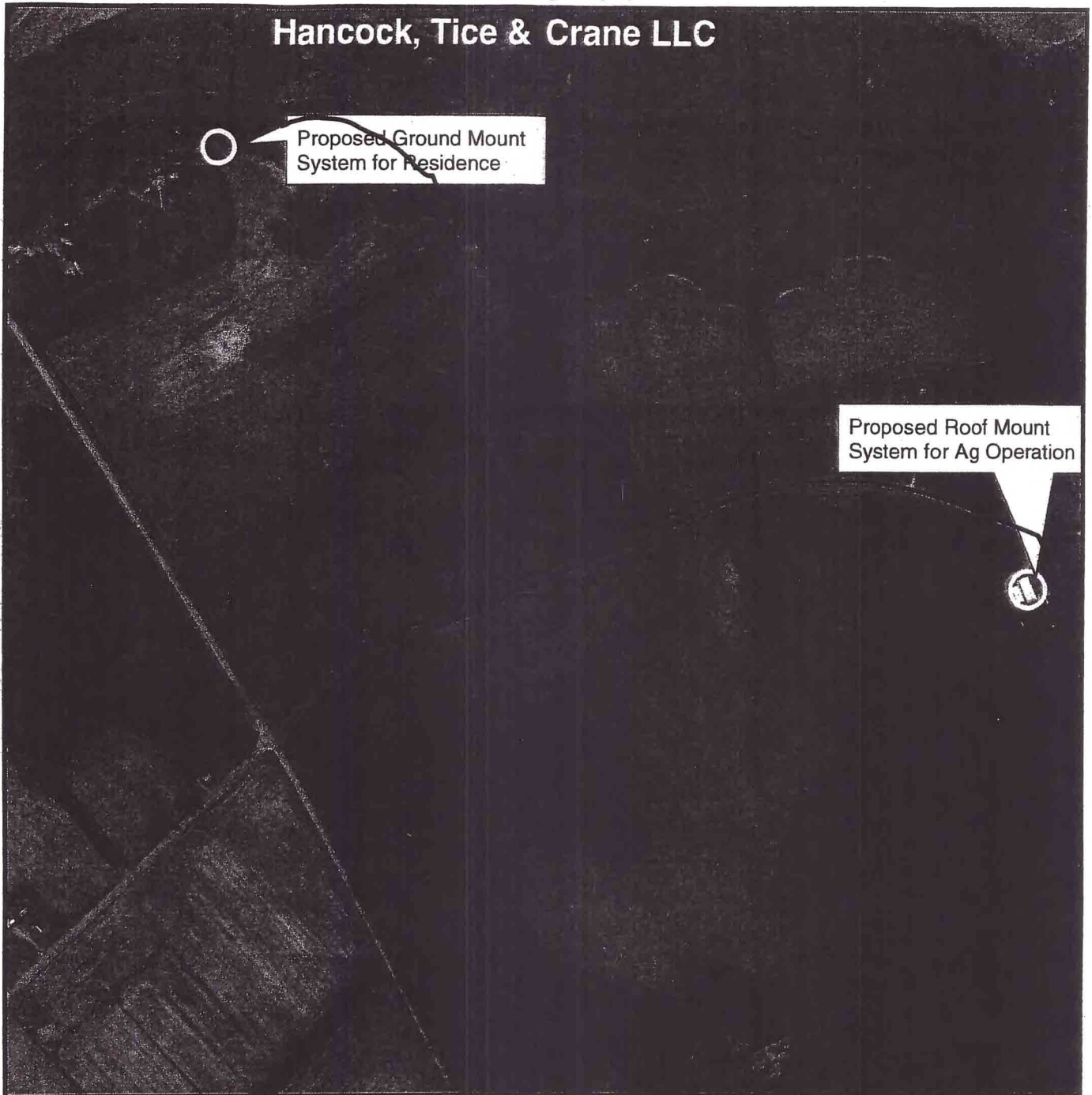
Douglas H. Fisher, Chairman	
Cecile Murphy (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Commissioner Richman)	YES
Brian Schilling (rep. Executive Dean Goodman)	ABSENT
Ralph Siegel (rep. Acting State Treasurer Romano)	YES
Alan Danser, Vice Chairman	YES
Jane Brodhecker	YES
Denis Germano	ABSENT
Peter Johnson	YES
James Waltman	YES



# Schedule "A"

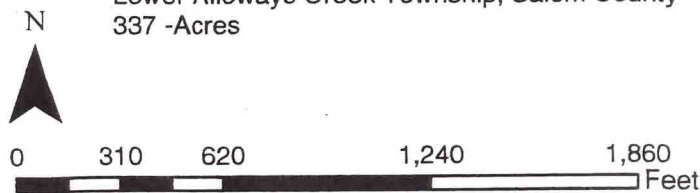
Hancock, Tice & Crane LLC

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## FARMLAND PRESERVATION PROGRAM NJ State Agriculture Development Committee





















Hancock, Tice & Crane LLC  
Blocks 8 & 22; Lots 1, 2 & 1, 2  
Lower Alloways Creek Township, Salem County  
337 -Acres



9/8/2015

### Farmland Preservation Program

	PRESERVED EASEMENT
	EXCEPTION AREA
	PRESERVED EASEMENT//NR
	EXCEPTION AREA//NR
	FINAL APPROVAL
	PRELIMINARY APPROVAL
	ACTIVE APPLICATION
	8 YEAR PRESERVED
	TARGETED FARM
	INACTIVE APPLICATION
	NO CORRESPONDING DATA

State Planning Areas	
	(PA) METRO
	(PA2) SUBURBAN
	(PA) FRINGE
	(PA) RURAL
	(PA) RURAL ENV. SENS.
	(PA) ENV. SENS.
	(PA) ENV. SENSITIVE BARRIER IS.
	(PA) PENLANDS
	PARK
	MILITARY
	NEW JERSEY MEADOWLANDS
	WATER
	ELLIS ISLAND-NJ
	ELLIS ISLAND-NY
Base Map	
	County Boundaries
	Municipal Boundaries
	Highlands Planning Area
	Highlands Preservation Area
	Penlands Area
	Green Acres Preserved Easements

